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Report of the Working Group on the issue of discrimination against women in law and in practice

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on the issue of discrimination against women in law and in practice, pursuant to Council resolutions 15/23, 26/5 and 32/4. In the report, the Working Group proposes an analysis of good practices for the elimination of discrimination against women in law and in practice and for women's empowerment. The question of how to identify good practices in ending discrimination against women is particularly poignant at this historical juncture, where a profound backlash against hard-won progress is occurring in all spheres. The continuing rise of fundamentalisms of all kinds and openly misogynistic, racist, xenophobic and populist voices, including Governments, is of grave concern to the Group. Efforts to re-entrench patriarchal understandings of sex, gender and family into the law point to important questions about sustaining progress and ensuring that good practices continue to be possible in fraught contexts. Ongoing attacks on autonomous women's movements, civil society organizations, independent academia, public interest lawyers and women's human rights defenders by State and non-State actors alike underscore the importance of identifying those good practices that uphold human rights gains.

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I. Activities

1. The present report covers the activities of the Working Group on the issue of discrimination against women in law and in practice undertaken since the submission of its previous report (A/HRC/32/44) until March 2017.

A. Sessions

2. The Working Group held two sessions in New York and one in Geneva during the period under review.[1] The roles of Chair-Rapporteur and Vice-Chair of the Working Group were carried out by Alda Facio and Kamala Chandrakirana, respectively. At its sixteenth session (18-22 July 2016), the Group held consultations on good practices with various stakeholders, including States, civil society organizations and relevant United Nations entities. It also met, inter alia, with the office of the Special Rapporteur on Women's Rights of the Inter-American Commission on Human Rights.

3. At its seventeenth session (10-14 October 2016), the Working Group continued its consultations on good practices. It held meetings with members of the Committee on Economic, Social and Cultural Rights, the Special Rapporteur on the right to education, the Special Rapporteur on the human rights of migrants, the Special Rapporteur in the field of cultural rights and the Inter-Parliamentary Union. It also held consultations with various concerned stakeholders on the implementation of the Sustainable Development Goals.

4. At its eighteenth session (23-27 January 2017), the Working Group completed its work on the compendium of good practices. It chaired a round-table discussion on women migrant workers, organized by the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), with the participation of members from the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as State and civil society representatives. It also met with concerned United Nations entities, including UN-Women and UNFPA, on the indicators of the Sustainable Development Goals.

B. Country visits

5. The experts visited Hungary from 17 to 27 May 2016 (A/HRC/35/29/Add.1) and Kuwait from 6 to 15 December 2016 (A/HRC/35/29/Add.2). They wish to thank the Governments of those countries for their cooperation before and during the visits. It also thanks the Governments of Chad and Samoa for having invited the Working Group to conduct official visits in 2017.

C. Communications and press releases

6. During the period under review, the Working Group addressed communications to Governments, individually or jointly with other mandate holders. The communications concerned a wide range of subjects falling within its mandate, including discriminatory legislation and practices, allegations of abuses of women human rights defenders and violations of their rights, gender-based violence and rights to reproductive and sexual health (see A/HRC/33/32, A/HRC/34/75 and A/HRC/35/44). The Working Group also issued press releases, individually or jointly with other mandate holders and treaty bodies.

[1] During the previous cycle, two sessions had been held in Geneva and one in New York.

D. Other activities

7. A member of the Working Group attended the sixty-first session of the Commission on the Status of Women, held in New York from 13 to 17 March. She participated, inter alia, in a high-level interactive dialogue on accelerating the implementation of commitments contained in the agreed conclusions for gender equality and the empowerment of women and girls, in an event on strengthened cooperation between the international and regional human rights mechanisms on women's rights and participated in several consultations. She met with the Secretary General together with a group of women's rights experts.

8. A member of the Working Group participated in the 2016 Forum on Business and Human Rights, where she spoke on 14 November in a panel discussion on embedding gender in the business and human rights agenda.

9. In September 2016, the Chair participated in the thirteenth annual forum of the Association for Women's Rights in Development, on the theme "Feminist futures: building collective power for rights and justice", attended by more than 2,000 activists from all regions of the world.

10. In May 2016, a member of the Working Group attended the Symbolic Tribunal on Maternal Mortality and Obstetric Violence, held in Mexico and co-organized by the Office of the United Nations High Commissioner for Human Rights OHCHR.

II. Thematic analysis: good practices in the elimination of discrimination against women and women's empowerment

A. Introduction

11. The present report focuses on good practices in the elimination of discrimination against women in law and practice and women's empowerment pursuant to Human Rights Council resolution 15/23, in which the Council established the mandate of the Working Group, including the collection of best practices in the area of the mandate and the development of a compendium of best practices.

12. The Working Group, in establishing its conceptual framework and working methods (A/HRC/20/28), decided to use the term of "good" or "promising" practices rather than "best" practices, taking into account the complex contextual framework of the wide spectrum of good to bad practices.

13. The present report builds on the Working Group's first six years of work, of which investigating good practices was a core undertaking. It is the fruit of a long-term process of inquiry and consultation undertaken with States, United Nations agencies and civil society. It is informed by the Group's 4 thematic reports and 12 country visits, as well as data gathered through research and consultations held specifically for the present report.

14. The Working Group wishes to express gratitude for the information submitted by diverse stakeholders in response to its questionnaire.[2] In order to ensure diverse inputs, the Group also benefitted from the support of a team of researchers based in all regions of the world, coordinated by the Women's Human Rights Education Institute. It also held consultations with States, civil society organizations and United Nations entities when support was available. The enormous amount of data received goes well beyond the bounds of the present report and is available on the Group's website.[3]

[2] See www.ohchr.org/EN/Issues/Women/WGWomen/Pages/CompendiumGoodPractices.aspx.
[3] Ibid.

B. Conceptual framework

15. The Working Group appreciates that significant work has been done by other human rights mechanisms and United Nations agencies to gather good practices in the context of their work. It notes that there is no harmonized understanding of how to identify and investigate good practices, particularly in the context of the elimination of discrimination against women. Building on existing work in this area, the Group seeks to articulate its experience and expertise to further the conversation on methodological understandings of "good practices" and/or "promising practices" in the context of ending discrimination against women, to identify and share examples of good practices that serve as creative inspiration for the implementation of women's human rights in multiple contexts, and to open an ongoing engagement process of collective knowledge-building in this area.

16. The purpose of the compendium, an exercise that extends beyond merely compiling a series of good laws or legal amendments, is to explore good practices that promote the elimination of discrimination against women, supporting both de jure and de facto realization of rights.

17. The law is an essential mechanism for women's enjoyment of human rights. Law is both informed by and the creator of norms in society. Laws determine the values and operating principles by which actions and behaviours are deemed acceptable, or criminalized and stigmatized, and can have an enabling or chilling effect on women's human rights.

18. The Working Group considers that laws may at times constitute good practices in and of themselves, but that more often they function as a component in the development of good practices. Constitutional amendments, laws or legal reforms, court decisions and the full range of ways in which laws are crafted and codified in diverse societies form an important piece of the "good practices" puzzle, and can have an immediate impact on de facto equality. A law can be "promising" or "good" in its crafting and articulation, and a court decision can be good, but for it to be considered a good practice, a wider context must be considered than can be found simply through analysis of a legal text. The Group is of the view that a good law usually becomes a good practice in conjunction with ancillary factors, such as the process by which it comes into being and is disseminated, operationalized and implemented. This is not to understate the importance of the law itself, but rather to emphasize that considerations of good practices cannot be based wholly on the legal texts themselves, but must be analysed in context, including tangible outcomes in lived reality.

19. Consideration of good practices in a global context requires an expansive approach to looking at the law and its implementation, to allow for inclusion of diverse practices reflective of varied political and legal systems and to support the identification of creative methods of supporting rights-fulfilment. Therefore, the present report includes not only all those constitutional, legislative and other rules and norms that are considered law in different legal systems, but also judicial review, legislative reform, litigation and case law, policy but also institutional reform, human rights monitoring, religious or cultural hermeneutic projects, partnership agreements between State and non-State actors, local, national and regional legal frameworks.

20. Significant progress in legal and policy frameworks for women's rights has been made in the past decades. Nevertheless, while many countries have undertaken to repeal discriminatory laws, such laws persist in many parts of the world. Severely discriminatory laws and practices remain in particular areas of women's human rights that continue to be contested, such as sexual and reproductive rights and equal rights in the family. Discriminatory laws also exist where the law is used punitively against women to maintain patriarchal values or to criminalize women's struggles for their rights. In all contexts, there are ongoing challenges to the inclusion of an intersectoral approach to women's full equality. Even in areas where the legal framework has advanced, or in societies with extensive and robust gender equality laws and policies, the test lies in the ability to implement progressive laws in practice. Innumerable barriers remain on many levels, not least of which is the male-controlled and discriminatory environment within which laws are

operationalized. A good law requires a fully ameliorating environment in which it can be meaningfully implemented. No matter how strongly the law is drafted, it is filtered through the biases and limitations of the individuals and institutions, public and private, responsible for grounding it in reality, compounded by a social environment that disadvantages women through the perpetuation of historical discrimination, the patriarchal construction of gender and the perpetuation of stereotypes and prejudices. These factors must be considered closely when identifying which laws have become good practices.

21. The question of how to identify good practices in ending discrimination against women is particularly poignant at this historical juncture, where a profound backlash against hard-won progress is occurring in all spheres. The continuing rise of fundamentalisms of all kinds and openly misogynistic, racist, xenophobic and populist voices, including Governments, is of grave concern to the Working Group. Efforts to re-entrench patriarchal understandings of sex, gender and family into the law point to important questions about sustaining progress and ensuring that good practices continue to be possible in fraught contexts. Ongoing attacks on autonomous women's movements, civil society organizations, independent academia, public interest lawyers and women's human rights defenders by State and non-State actors alike underscore the importance of not only protecting and supporting the crucial role of women human rights defenders, but also identifying those good practices which uphold human rights gains.

22. Naming a "good practice" is a complex process. The purpose of investigating and sharing good practices is to help build collective knowledge and public recognition of the steps and processes States must undertake to fulfil their obligations under international human rights law. States' duty to respect, protect and fulfil women's human rights are requirements of human rights law. Good practices illustrate the ways and means to implement human rights most effectively in diverse contexts. When good practices are viewed in isolation from the breadth of actions and actors involved in processes of social change, they can lose their power as a source of learning and fail to enhance collective knowledge of what it takes to bring human rights principles into reality.

23. The Working Group stresses that human rights are universal while recognizing that good practices must reflect the multiple contexts of diverse stakeholders. Frameworks of analysis thus require flexibility and creativity to capture the full complexity of any practice, including both its successes and shortcomings. This emphasis on context also requires a robust consideration of current challenges to human rights implementation on a global, regional, national and local scale. This contextualized consideration of challenges and search for good practices in no way derogates from the assertion in the Vienna Declaration that women's rights are human rights and "all human rights are universal, indivisible, interdependent and interrelated".

24. The Working Group found that many examples cited as good practices in law did not show the process by which they were established, or the many factors and diverse actors that enabled the practice to come into being. In the present report, the Group undertakes to focus on the process of developing the ways and means to implement women's right to equality. To understand what is required to support gender equality from a holistic approach, both quantitative and qualitative data are equally necessary, and, given the long-term process of social change, an historical perspective is important.

25. Given these complexities, the Working Group proposes a methodology for identifying good practices by investigating partial and substantial victories in the realization of women's human rights with a view to decoding the full breadth of actors, initiatives and milestones required to fully implement State obligations under international human rights law. Rather than making generalizations about indicators of good practice, the Group's research process focused on investigating and documenting promising and good practices in all regions of the world by applying a living-law approach.

26. The living-law approach looks at laws beyond the text of a legislation or judicial decision, including the dynamic processes by which that law comes into being, is implemented meaningfully and contributes to real and sustainable outcomes for women's de facto enjoyment of human rights. Thus, a living-law approach involves understanding laws in the context of dynamic and sustained processes situated in local social, political,

historical and legal realities and in relation to the acts of a diversity of duty and rights holders alike. As such, the living-law approach is inherently grounded in particular contexts and moments in time. This methodology thus requires examining a multitude of ways and means States have used to achieve successful outcomes in terms of fulfilling their obligations regarding women's human rights, along with a robust consideration of processes and actors in play, including those that overcome and perpetuate barriers to substantive achievement. This exploration process has not focused on identifying or ranking "best practices", but rather has examined the ways and means through which States can promote substantive equality, recognizing that progress is not always linear and that de facto change requires multiple strategies; effective responses to lessons learned from mistakes made; context-specific interventions; and sustained time and resources.

International human rights framework and good practices

27. The Convention on the Elimination of All Forms of Discrimination against Women, which has been ratified almost universally and is considered by many jurists to be part of customary international law, determines that States have the obligation to respect, protect and fulfil women's right to non-discrimination and to the enjoyment of equality in all fields. Those rights are also enshrined in other international and regional human rights conventions. The scope of the Convention includes and goes beyond de jure discrimination, requiring nothing less than substantive equality, or women's full de facto enjoyment of their rights. National legal frameworks must be developed, adopted and implemented from a holistic rights-based approach that addresses the fullness of State obligation, including: (a) respecting rights by repealing and eliminating laws or any other State action that directly or indirectly discriminate against women; (b) protecting rights by acting with due diligence to ensure that neither State or non-State actors violate women's rights and ensuring redress for violations; and (c) fulfilling rights by ensuring that laws and attendant policies contain comprehensive measures to guarantee their meaningful implementation and impact on women's empowerment. The scope of State obligation under the Convention requires active measures to combat patriarchal attitudes and stereotypes that shape an environment in which discrimination against women is tolerated and normalized, both in the law and in the application of the law. The Convention demands multi-pronged strategies to promote social change, not only isolated actions to improve women's access to existing systems. States are obliged to establish a strong legal infrastructure to support women's de jure and de facto equality as an important step in the cultivation of good practices.

C. Selected case studies

28. The case studies offer both practical and conceptual insights into good practices and have the potential to serve as road maps. Some are promising practices that have not fully come into fruition or that have been derailed but are nevertheless illustrative and important for understanding what is required to develop and sustain good practices in the elimination of discrimination. Although contexts vary, core principles that create ameliorating environments for women's human rights are transferable, even when a practice is not directly replicable.

29. The cases are organized under the themes of the Working Group's reports to date, with a fifth section highlighting a salient theme that emerged from the research process: the role of autonomous women's organizing. Owing to space limitations, each case is offered in summary format; more detailed renderings are included in an appendix to the report available on the Group's website.

1. Political and public life

30. The right to participate in all areas of political and public life is an essential prerequisite for the fulfilment of many other rights. Despite progress in many States, women's representation in elected office — especially at the senior level, the judiciary, civil service or in entities such as unions, national human rights institutions or international agencies, including the United Nations — falls short of the good practice standard of equal representation.

31. Good practice requires: (a) the removal of barriers, whether cultural, economic, institutional or religious, preventing women from having an equal opportunity to gain access to positions of power at all levels; (b) the elimination of disempowering stereotypes, misogyny and violence against women in public and private spheres; (c) parity for women in decision-making forums; (d) and gender-sensitive mainstreaming of policymaking processes, including budgeting.

Quotas and supportive measures

32. The following case study was from the Asia region. Despite strong constitutional guarantees for "equal status of opportunity" and non-discrimination on multiple grounds, discrimination against women remained deeply entrenched. This resulted in women's exclusion from political and public life, particularly in rural areas and among ethnic minorities and marginalized groups of women. In 1993, in an effort to address structural barriers to women's participation in political and public life, the State had adopted a constitutional amendment mandating one-third reservations for women — including women from historically disenfranchised groups — in village and district councils throughout the country. Consequently, the 1994 elections had brought nearly 1 million elected women representatives into local governance bodies.

33. As the law had been enacted quickly and without supportive measures, many challenges arose. This included the placing of women as proxy candidates for male politicians; patriarchal and ethnic divisions that led to active exclusion of elected women representatives; a lack of appropriate support and skills development to address widespread illiteracy among rural women; a democratic deficit due to the history of exclusion from public life; women's lack of self-perception as leaders; and a backlash in the form of harassment, social exclusion and gender-based violence. It was also found that many elected women representatives were unlikely to contest elections more than once.

34. In response, civil society organizations, government and international agencies introduced initiatives to support women's participation. Pre-election voter awareness campaigns were undertaken to counteract the perception that the one-third reservation signified the maximum number of seats available for women. A range of programmes were also undertaken in ensuing years, including longer-term capacity-building efforts led by civil society organizations with elected women representatives, in which women representatives received both ongoing training to strengthen their leadership and advocacy skills and education on gender issues of concern in the community.

35. Women were also mobilized through the establishment of an ongoing meeting platform for elected female representatives at the village level designed to support them in preparation for making policy recommendations at the main village council meetings. Given their success, these meeting platforms have been legally mandated since 2012, requiring all local governments to hold such meetings in advance of general village meetings. Additionally, the legal framework was further fortified through State-level laws entrenching or boosting the quota from one-third to 50 per cent, including leadership positions. A draft constitutional amendment in 2009 sought to raise the requirement to parity within all elected positions nationwide, but the bill lapsed.

36. Research overwhelmingly indicated that the presence of women in rural governance has had positive impacts on key gendered concerns, including the improvement of health services, water and sanitation facilities, and microcredit schemes for women. Issues related to discrimination and violence against women were also being addressed by women representatives. Additional research showed significant impacts on attitudinal changes and in the elimination of gender stereotypes, demonstrated in shifts in the organization of labour in households, women's self-perception and increased societal support for girls' education and future aspirations. These correlations increased in villages where women chairs had been elected a second time.

37. The introduction of quotas provided a strong and unassailable legal prerogative for women's inclusion in local-level political bodies. However, the legal framework on its own was insufficient to ensure the meaningful political participation of women until the introduction of complementary measures, integrally involving civil society organizations,

that addressed the patriarchal context and women's historical disenfranchisement and ongoing discrimination.

38. While this good practice has enabled the participation of more than 10 million rural women in local politics, it has not led to greater political participation of women at higher levels of governance. Indeed, the Government has yet to be successful in adopting quotas or parity laws for women at higher levels of government, raising questions regarding the limits and sustainability of continued growth in women's political participation and access to power.

Key lessons

39. The adoption of parity laws or quotas for women is a good practice to combat the manifold barriers to women's political participation and to ensure immediate representation of women in political bodies.

40. Policies must be implemented in tandem with quotas to mitigate the effects of historical discrimination and to support women's success and impact in politics, including capacity-building performed in tandem with autonomous women's organizations as well as regional or international partners.

2. Economic and social life

41. Women's right to equality in economic and social life as enshrined in multiple human rights treaties is substantive, immediate and enforceable. States are obliged to act with due diligence to prevent discrimination of those rights by any actors and to ensure their fulfilment. Yet women continue to experience discrimination in all areas of economic and social life. The feminization of poverty, particularly in contexts of crisis and austerity, is a well-documented phenomenon. Gender stereotypes perpetuate women's economic and social marginalization, exclude them from the labour market and place a disproportionate burden on them for unpaid, low paid or informal work. Intersectional discrimination on the grounds of ethnicity, age, disability, sexual identity or orientation, among others, disproportionately marginalizes particular groups of women.

42. Good practice in promoting women's equality and empowerment in economic and social life requires measures that support equal opportunity, accommodation for gender-specific needs and equal enjoyment of benefits. In accordance with international standards, equal opportunities, equal pay for work of equal value, paid maternity leave in accordance with international standards and parental leave for both men and women must be legally mandated in both formal and informal employment sectors. Women must be fully integrated into economic policymaking both at the State level and in financial institutions that determine economic policy in practice.

Women and economic crisis

43. The following case study originated in a country in the Western region with a strong commitment to gender equality, owing in large part to a history of organization by women's that contributed to a wide acceptance of feminism in society and shaped progressive government policies. Nevertheless, inequality included a persistent gender wage gap; high gender segregation of the labour market, including women's low leadership levels in the private sector; and prevalent gender-based violence.

44. Nonetheless, social awareness of women's issues in the country was uniquely strong, creating an ameliorating environment for mobilization around feminist analyses of social, political and economic issues. This was evidenced in 2008 when the complete collapse of the country's banking system led to a major financial crisis. Widespread protests precipitated a change in Government and led to the election of a feminist Government headed by a woman, who appointed women to most cabinet roles, including the Ministries of the Economy and Finance. The new administration commissioned an analysis of the banking crisis to build upon existing feminist critiques of the masculinist financial culture of unfettered risk and neoliberal policies as major causative factors. The research confirmed those critiques and highlighted the effects of increasing privatization of

political power among predominantly male, private-sector elites, whose actions had precipitated the crisis.

45. A somewhat unconventional approach to the economic crisis was thus grounded in a gender analysis that focused on maintaining gains in equality as part of the economic recovery process. It combined temporary policy and executive decisions aimed at preventing disproportionate effects on women and vulnerable sectors of the population with mechanisms and measures for ongoing monitoring and data collection to ascertain impact. Simultaneously, the Government prioritized the implementation of long-term legal and policy measures to strengthen gender equality.

46. Between 2009 and 2013, the Government introduced temporary measures to counter the shifting effects of the crisis on women and men. As a result of pressure to cover the foreign debt that had been accumulated by national banks, the Government made cuts in infrastructure such as health care and primary education, as well as in family benefits such as parental leave. However, the resulting funds were strategically used to provide nominal increases in basic unemployment benefits, social protection allowances and disability pensions to shelter individuals most affected by the resource cuts. Elderly women and women with disabilities were the major beneficiaries, and women made up almost two-thirds of unemployment benefits claimants. In addition, measures to tackle household debt by sheltering low-income and single-parent households from losing their disposable earnings benefitted women, as they were likely to feature more prominently in both categories.

47. Concurrently, the Government maintained a focus on long-term measures to promote gender equality, including the introduction of gender-responsive budgeting, the appointment of gender equality experts within different ministries, the adoption of quotas on the boards of corporations and plans of action for gender equality and violence prevention. The Government also established monitoring mechanisms, such as a gender equality watch and a welfare watch. The welfare watch — which initially operated from 2009 to 2013 under the Ministry of Welfare and a steering committee of experts from Government, labour groups, academia, the financial sector, teachers' unions, civil society organizations and stakeholders — was in charge of assessing the most pressing welfare issues to be addressed and proposing gender-responsive measures. The model was recognized as innovative and effective.

48. While assessment of the impact of such measures was not uniform, and questions remained about whether the gendered analysis and approach to the crisis had deep impacts on the reconstruction of the economy, it can be said that the gender-sensitive response of the Government pre-empted a regression in welfare and women's rights that had usually accompanied austerity measures. In addition, knowledge of the gendered and intersectional dimensions of crises and the effectiveness of the responses was enhanced through monitoring and data collection. The policies undertaken in response to the crisis demonstrated not only an uncompromising commitment to gender equality but also an acknowledgment of its centrality to a healthy, robust and resilient society.

Key lessons

49. The integration of gender responsive measures and protection of social welfare systems during economic crises can protect women's human rights gains and, at the same time, support healthy recovery.

50. Efforts to sensitize society to women's human rights issues and feminist analysis, and their inclusion in Government research and policy, create an ameliorating environment for progressive legal and policy development and implementation, in contrast to a masculinist financial culture of unfettered risk and neoliberal policies.

3. Cultural and family life

51. Cultural rights are central to the realization of women's human rights. Culture is neither homogenous nor immutable but is often presented as being so, and hence as creating an irrevocable barrier to equality rights for women. States have obligations to recognize and actively combat the deep entrenchment of patriarchal culture based on gender stereotypes in

legal, political, religious, social and cultural institutions. While this obligation applies to all aspects of life, patriarchal gender stereotypes are often firmly entrenched in laws and social norms governing family, and often reinforced by religious authorities.

52. Good practices in cultural and family life require a guarantee of women's right to equality in autonomy and self-determination and the legal and social recognition of women as agents of cultural change. Legal and cultural norms that subjugate women to male control must be actively challenged and eradicated. States must endeavour to repeal all discriminatory provisions in the law, particularly those governing marriage and divorce, child-rearing, inheritance, freedom of movement, access to capital, credit and income-generating activities. In addition to the elimination of direct discrimination, good practices in this area require that States take active measures to support substantive equality through the law and long-term awareness-raising initiatives directed towards the eradication of patriarchal stereotypes and attitudes.

Challenging discrimination: gender sensitive education for cultural change

53. The following case study originated in Eastern Europe, in a State that had undertaken a lengthy legislative and institutional reform process since gaining independence in 1991. In a predominantly patriarchal context, attempts to introduce and support legal and policy frameworks for gender equality had faced significant opposition. Subsequent to a review in 2009 by the Committee on the Elimination of Discrimination against Women, the Government adopted a gender policy concept paper and strategic action plan for the period 2011-2015, including provisions for gender sensitization of teachers and educational curriculum.

54. In 2013, Parliament passed a law on the equal rights and equal opportunities of women and men. The law reiterated the constitutional guarantee of gender equality, defined gender discrimination and contained provisions against direct and indirect discrimination. However, the law generated a great deal of social controversy and backlash because of the perception that it represented an attack on "family values". Women's civil society organizations became targets of harassment and protests erupted, with demonstrators calling the law "national treason".

55. The Government had achieved little progress in implementing the gender policy strategic action plan, owing in part to the public backlash and lack of resource allocation. A civil society organization from the women's rights movement secured funds to launch a three-year project on gender sensitive education to address a social and cultural environment characterized by profound resistance to the concept of gender equality.

56. That civil society organization navigated the challenging context by building strategic partnerships with experts and Government. Together with educational experts, they developed a theoretical and practical educational guidebook entitled "Women and Men: Different but Equal", which was subsequently approved for use by the Ministry of Education and Science. It supported the incorporation of gender curricula into mandatory courses, such as social studies, and included discussion of gender, reproductive rights and violence prevention.

57. In order to institutionalize gender-sensitive teacher training, advocates from civil society organizations convened meetings with government ministries, other such organizations, educators and experts to develop a training module on gender equality and gender violence in partnership with the National Institute of Education, the authority in charge of teacher training. Despite some school directors' resistance, thousands of social science teachers were trained and the Institute is committed to institutionalizing the training.

58. According to evaluations, despite its short duration, the project's focus on education is a promising practice for a number of reasons. First, what started as a civil society organization initiative attracted the institutional support of the National Institute of Education and the Ministry of Education and Science in the dissemination of the educational guidebook in schools, the development of the teacher training module and the roll-out of training sessions. In addition, the undertaking created a political space for civil

society organizations and public authorities to take action in a challenging context, allowing meaningful steps towards fulfilling the objectives of the strategic action plan.

59. While these measures alone will not achieve substantive equality, intervention in the education system is projected to bear fruit in terms of creating a positive environment for social discussion of and support for gender equality issues. Preliminary outcome studies of training programmes in two regions of the country demonstrated shifts in attitudes towards gender equality and violence against women, but the curriculum and training policies have not yet been applied uniformly across the country, limiting systemic impact.

60. Project evaluation shows a need for further focus on planning, as well as measurable objectives and outcomes for the training. Resource allocation is also an issue. Currently, the teacher training has been institutionalized only as a one-hour module, despite calls for more comprehensive training. A greater investment of time is warranted to support attitudinal and behavioural changes.

61. The gender-sensitive education initiative is a promising practice in a fraught context, but is not a stand-alone measure. The case study demonstrates that gender equality cannot be fully achieved through sectorial approaches, but instead requires the creation of an enabling environment animated by comprehensive long-term measures emphasizing the interconnectedness of women's rights in order to yield both legal and social change.

Key lessons

62. The partnership of autonomous women's organizations and independent experts with expertise in women's rights with public authorities is a key element of progressive policy implementation.

63. Public education and teacher training are a crucial entry point for addressing systemic discrimination and promoting a culture of human rights, undertaken in tandem with complementary measures for systemic change.

4. Health and safety

64. Health is defined by the World Health Organization as "a state of complete physical, mental and social well-being". Women's rights to equality and to the highest attainable standards of health, including those related to reproductive and sexual health, and the interconnected right to a life free of violence are enshrined in international and regional human rights instruments and reaffirmed in international consensus agreements, yet remain among the most contested and violated women's human rights standards. Gender-based violence and the instrumentalization and politicization of women's bodies and women's health agenda continue to undermine the fulfilment of women's human rights throughout the world. These violations, fed by patriarchal ideologies and stereotypes that reduce women to means of reproduction or sexual objects, undermine women's autonomy and self-determination, affecting the fulfilment of their human rights.

65. Good practices in this area require a differentiated approach in order to meet women's particular needs, influenced by biological functions and social constructions of gender alike. The instrumentalization of women's bodies, particularly as regarding sexual and reproductive health, and the ongoing normalization of violence against women must be combatted through rights-based measures that put women's right to dignity, autonomy and self-determination at the core of legal and policy undertakings.

Mobilizing the law for social change

66. The following case study from the African region elucidates the myriad factors required to develop and maintain a good practice in addressing violence against girls, as well as the attendant impacts on the right to health, safety and access to justice, among others. The background to the case begins with a constitutional reform process undertaken with high levels of public engagement, resulting in 2010 in a robust new constitution that included strong equality provisions, the incorporation of international and regional human rights treaties and the creation of an ameliorating environment for public interest litigation.

67. In 2011, a social worker who founded a local shelter for girl survivors of sexual violence and an international human rights lawyer initiated a coalition with local, regional and international civil society organizations, feminist lawyers and the national human rights commission to file a case seeking to hold the police accountable for failure to address rampant sexual violence against girls. The *160 Girls* case was brought to the High Court in 2012. With the support of the shelter, 11 applicants were chosen from more than 160 victims of child rape who had been denied access to justice. The remaining victims were represented by the twelfth applicant, which was the rape shelter itself. It was the first case brought to the High Court under the equality provisions laid out in the 2010 Constitution. The decision was instrumental in establishing the failure of the police to meet national and international standards to conduct prompt, effective, proper and professional investigations into complaints, thereby preventing access to justice. With the use of relevant international human rights instruments and progressive interpretation of constitutional rights and State obligation, the jurisprudence was precedent-setting. The seminal contribution of the decision lay in establishing the rights of the child and the delineation of the scope of State obligation in protecting children from violence, and the duty to investigate and apply existing rape laws.

68. In its decision, the Court recognized that the girls' constitutional rights had been violated and that the police had failed to act with due diligence as agents of the State. The police force was ordered to implement article 244 of the Constitution, requiring them to train staff to the highest possible standards of competence and integrity and to respect human rights and fundamental freedoms and dignity. Police officers were ordered to investigate the perpetrators of the 11 applicants and to ensure effective investigations in all child rape claims. As at early 2016, 80 per cent of such cases had resulted in convictions, while others were pending before courts and additional investigations had been initiated. The judgment has been referenced in other cases, including an important class action suit by victims of post-election violence, and the high courts have issued further progressive decisions on related grounds.

69. What makes this case study a uniquely good practice is that, rather than ending with a court decision, the coalition of organizations involved continued to work together to expand that decision into a comprehensive movement for change. The *160 Girls Project* developed as a result of the case centres on training and education programmes involving police, shelters, social workers and community members to ensure a multi-level long-term impact. A rape investigation training programme for police was developed that included a peer-to-peer train-the-trainers element with international police officers and ongoing training from equality lawyers and the national human rights commission. Research has shown positive impacts, including documented attitudinal changes and increased professionalism in the handling of child rape cases. Furthermore, training programmes have been developed for shelter workers on documenting sexual violence cases and the rights of victims.

70. Community education programmes are a key component of the implementation strategy. In this case, a robust pilot project on public legal education included community training on the decision and the related girls' rights and police obligations; awareness-raising events including drama/theatre and panel discussions; rights-training for children; a smartphone application giving details on the steps to take in rape investigations; and public awareness materials, including billboards, radio and television programmes, social media outreach and short videos on the Internet. These measures have been replicated in other parts of the country.

71. While the ongoing efforts of project partners have ensured sustained impacts, the context of endemic sexualized violence against girls and women continues to be an issue. Those regions of the country that face heightened security issues present challenges, and it remains to be demonstrated whether there can be shifts in public sentiment regarding rape of women. A highly active civil society ensures that courts continue to be used to push for progress on the implementation of girls' rights and on State responsibility for protecting children against sexual violence. However, it is unclear whether civil society organizations bear a disproportionate burden vis-à-vis the State, and whether the enabling context for

such organizations will be maintained. Challenges include ensuring ongoing sources of funding for the project and decreasing reliance on overseas funding.

Key lessons

72. A strong human rights-based constitutional framework for equality, a progressive judiciary, an active autonomous civil society and an environment conducive to public interest litigation are important complementary factors in the development of good practices.

73. Impact is attained through follow-up measures and sustained action, by both State and non-State actors. Progressive court decisions must be widely disseminated and popularized among duty holders and rights holders alike to have broader structural impact.

5. Civil society and autonomous women's organizing

74. Women's participation and self-determination in the development and application of the laws that shape the parameters of their lives is a human right. Supporting the existence of and collaborative engagement with autonomous women's movements is a core component of State obligation to end discrimination against women. The case studies investigated for the present report demonstrate the centrality of an active citizenry, autonomous women's movements and civil society organizations with progressive frameworks that align with women's human rights standards as key factors in achieving positive changes in the development and application of the law.

75. The Working Group considers that the study of the ways and means by which those movements engage with processes of change involving the law merits in-depth consideration. Such investigation will reveal specific ways that States can create an ameliorating environment for and work collaboratively with autonomous women's movements towards eliminating discrimination against women in law and in practice.

76. The three case studies below exemplify the crucial role of women's autonomous organizing in the interrelated developmental processes of good practices as articulated in the living-law approach of the present report.

(a) Political and constitutional reform

Women's participation in democratic movements and constitution-building

77. The following case study, originating in a country of the Middle East and North Africa Region, highlights the central role of women's autonomous organizing in promoting political and legal changes to eradicate discrimination against women and to promote substantive equality. The country had a long history of Government-led reform promoting gender equality in the law. This included broad legal reforms granting women autonomy and self-determination in public and family life, with progressive provisions in terms of sexual and reproductive rights. Women's organizations had previously existed, but the political climate did not support autonomy. Growing authoritarianism in the regime and the prevalence of discriminatory attitudes had diminished the transformation of women's traditional roles and the attainment of substantive equality. In 2011, a political revolution led by social movements brought about the downfall of the Government and led to the democratization of the State.

78. Women's organizations played an important role in achieving the goals of the revolution and continued to play an active role in the emergence of a new vision for gender equality. The post-revolution period generated significant public debate during the drafting of a new constitution. Women's movements worked to keep women on the agenda, introducing a draft feminist constitution early in 2012 that they were invited to present to the National Constituent Assembly. They continued to advocate and mobilize society to oppose regressive elements, maintaining pressure for strong gender equality provisions. In 2012, women successfully organized against article 2.28 of the draft constitution, which had established the complementarity of men and women, rather than the right to equality. The women's movements, with the assistance of the Working Group through its communications and a country visit, brought about a revision of the draft constitution. That

victory was a key factor in the development of a rights-based constitutional framework for gender equality.

79. The new Constitution, adopted in 2014, enshrined the equality of the sexes before the law without discrimination and committed the State to protecting and strengthening gains in women's rights, guaranteeing the equality of opportunities in all domains and protecting against legal regression. Another progressive measure was the inclusion of the principle of parity in elected assemblies and a clear statement that men and women alike could run for president. The progressive framework of the constitution was protected in article 49, which affirmed that no amendment could undermine the human rights and freedoms guaranteed in the Constitution.

80. Women's rights advocates pointed to some areas of concern in the constitutional framework that were illustrative of the ongoing political and cultural struggle between the protection and conservation of conservative gender roles. While a single State religion was recognized and protected in the Constitution, it also includes provisions reiterating that the country was a civil State based on the primacy of law that promoted moderation and tolerance. How those potentially conflicting interests would work out in practice remained to be seen, particularly given that the constitutional courts were not yet in place.

81. While insufficient time has elapsed since adoption of the 2014 Constitution to fully assess its impacts, the crucial importance of this broad legal umbrella for women's equality cannot be overstated. Translating constitutional protections into reality will require the ongoing harmonized efforts of the Government and civil society. Some constitutional provisions have yet to be entrenched in the law, such as the stalled adoption of a law on violence against women, which was being discussed in Parliament at the time of writing. In the area of political participation, a 2016 amendment to the electoral law implanted the constitutional principle of political parity into law. Applying to municipal and regional elections, the law included "vertical and horizontal gender parity", guaranteeing a 50/50 split and alternation to ensure leadership positions for women. Elections scheduled to be held in 2017 thus open the way for a massive entry of women into local politics, creating huge potential for social transformation if well supported and sustained.

Key lessons

82. The active participation of citizens and women's organizations in the process of democratization and constitution-drafting are key to the adoption of a progressive, rights-based constitutional framework that creates an enabling legal environment for women's human rights implementation.

83. Robust and detailed constitutional gender equality protections based on international human rights standards are essential for a strong and enforceable domestic legal framework, and the active intervention of human rights organizations at the request of civil society can contribute to achieving the gender equality goal.

(b) Progressive and participatory application of the law

Conflict, displacement and women's human rights

84. Longstanding internal armed conflict in one country in the Latin America Region has displaced more than 6 million people internally. Half of those are women, who have suffered a traumatic change in gender roles, family structure and socioeconomic and cultural standing, deepening gender and social inequalities and increasing risk of violence and gender-based discrimination. While many challenges persist, the situation faced by displaced women has improved over the past decade, largely owing to three ground-breaking decisions of the Constitutional Court, shaped by widespread citizen and civil society organization mobilization and implementation efforts.

85. For many years, internally displaced people and civil society organizations had demanded protection measures from the Government without receiving an appropriate response. This had prompted hundreds of displaced persons to invoke the protection of the judiciary through the judicial remedy known as a *tutela*: a constitutionally established judicial action that citizens can bring before any judge to ensure the effective exercise of

their human rights. By 2004, tribunals had received *tutelas* submitted by 1,150 displaced families, accumulated in a dossier by the Constitutional Court that led to a judgment declaring that the humanitarian emergency caused by forced displacement had created an unconstitutional state of affairs characterized by massive human rights violations associated with systemic failures in State assistance to displaced persons. Accordingly, the Court ordered the Government to adopt structural measures, a measure that has spawned a lengthy implementation process.

86. The Constitutional Court used its power to assess implementation of its own judgment, issuing two further orders on the rights of displaced women. In 2008, the Court handed down a decision that was considered a global pioneer in the treatment of sexual violence during internal armed conflict. It identified 10 risks that forcibly displaced women faced, including extreme risk of sexual violence, and 18 gender facets of displacement, including patterns of discrimination and violence. Accordingly, the Court ordered the Government to create and implement 13 programmes with a gender-sensitive approach, including violence prevention, the right to health and education and access to land, justice and reparations. The Court also took an intersectoral approach, highlighting heightened risks faced by girls, indigenous, black and community women leaders, and women with disabilities. The Court ordered the allocation of sufficient resources to guarantee implementation of the programmes, refusing to recognize lack of budget as valid justification for non-compliance.

87. In 2015, the Court issued an order declaring the persistence of failures in the assistance, protection and access to justice for women victims of sexual violence. That decision consolidated the constitutional framework to address the gendered impact of armed conflict on the forced displacement of women in the country. That protection framework — effectively transforming a government response to forced displacement using a gender perspective — is a pioneering example globally. That extraordinary achievement was partly due to the longstanding efforts by Latin American women's movements to strengthen the capacities of the constitutional courts in the field of women's rights.

88. The active involvement of internally displaced women and civil society organizations was essential throughout the process. Displaced women brought hundreds of *tutelas* before tribunals to demand their rights and participated in public hearings convened by the Constitutional Court or civil society organizations sharing their experiences and perspectives. The Court's decisions were informed by formal submissions by such organizations, presenting experiences of women and girls forcibly displaced around the country.

89. Women and civil society organizations responded to the Constitutional Court's request to participate in the design and implementation of the decisions. This resulted in the collective development of indicators to monitor the 2004 order and the establishment of a working group to monitor compliance with the orders, which was essential in assessing the implementation of the decisions and in providing technical assistance for the implementation of government programmes. Civil society organizations also operated numerous programmes that provided humanitarian, legal and psychosocial support to displaced women and their families. Those organizations also used international human rights mechanisms to keep a spotlight on displaced women, and carried the topic into recent peace negotiation processes. The 2016 peace agreement addressed many of the demands in the three decisions, contributing to their sustainability.

90. Despite this extraordinary protection framework, implementation has faced challenges. Women victims of sexual violence still faced barriers to filing reports and receiving adequate care and protection, particularly in remote areas. There was still heightened violence against displaced women linked to the illegal exploitation of mining resources or on the basis of their sexual orientation. Continued efforts were needed to ensure ongoing progress in a complex and dynamic context.

Key lessons

91. The presence of a solid constitutional court and an effective judicial remedy that enables citizens to demand their constitutional rights without undue cost or burden creates an enabling legal environment for addressing women's human rights violations.

92. Active participation of women rights holders and autonomous women's organizations in the development, monitoring, assessment and implementation of judicial decisions and public policies is essential to ensuring responsivity and impact.

(c) Together for justice protocol

93. In one State in the Western Europe and others group, indigenous women and girls continued to be the target of racially motivated sexual and gender-based violence that began with colonization, as affirmed in a 2015 inquiry report by the Committee on the Elimination of Discrimination against Women, in which the Committee noted grave and systemic violations of indigenous women's rights, exacerbated by entrenched discrimination that impeded access to justice. In a rural, predominantly indigenous region of the State, a series of high-profile cases, including the acquittal of federal police officers for sexual assault and the death of an indigenous man in police custody, had led to the mobilization of civil society organizations and public outcry, precipitating a government review of the police force in 2010. Local women's organizations lobbied for inclusion in order to push for an improved response by the justice system to violence against women.

94. In that context, an indigenous women's organization in a small community initiated a protocol with the local federal police force that mandated: ongoing engagement, including police training and capacity-building, to address the interrelated phenomena of violence directed towards indigenous women and lack of due diligence in investigating crimes; open dialogue sessions to promote cultural awareness; and community-police feedback and knowledge-sharing sessions, during which information on the justice system and community rights would be offered.

95. Project reviews and research have showed a profound impact on police-community relations, with open dialogue and collaboration promoting enhanced understanding and cooperation on issues of concern. The civil society organization has reported attitudinal and behavioural shifts that have exceeded their expectations. The police have developed a better understanding of the physical security issues that women in the community face, and have helped to increase access to relevant domestic violence and sexual assault resources, including shelters.

96. The protocol is reviewed and adjusted annually by both parties to take into account challenges and shifting needs, ensuring ongoing responsivity to community concerns. Successes of the project have been shared with other women's organizations, and a similar protocol has been subsequently adopted with the federal police force in the largest city in the region. Discussions are under way in other indigenous communities to press for similar protocols.

97. The bottom-up approach of the practice, which was developed at the impetus of women's organizations — while demonstrative of the innovative means used by the community to address the structural reality of the situation of violence and discrimination in which they live — has raised the question as to why grave and well-documented human rights violations have not been addressed on a systematic or institutional level within the federal police and Government. Political will to support, expand and institutionalize this good practice is required for its replication and sustainability. In all post- and ongoing colonial contexts, the disproportionate and intersectional discrimination faced by indigenous women, often aided and abetted by legal systems, must be systematically addressed by State duty holders.

Key lessons

98. Legal frameworks and partnership protocols that formalize the collaboration and participation of citizen or civil society organizations or autonomous women's rights organizations in developing, monitoring and implementing the law, can help to address

power imbalances on the basis of historical discrimination and can lead to meaningful change.

99. Measures involving groups of women who experience intersectional discrimination, such as indigenous women, must be developed in accordance with an intersectional, gender-sensitive human rights perspective and engage with women as stakeholders.

100. Financial and institutional support for promising and good practices must be maintained to ensure ongoing impact of results.

III. Conclusions and recommendations

A. Conclusions

101. Good practices in the eradication of discrimination against women in law and practice comprise a complex, multifaceted endeavour involving a wide range of interconnected rights. A good practice cannot be understood in isolation from its context and other complementary measures undertaken to promote substantive equality. The living-law approach renders visible the wide range of factors and actors involved in the process of good practice development. Each good practice case study explored in the present report has contributed to key lessons learned that are both specific to the case and that contain transferable principles that inform the present conclusions. These lessons learned also reinforce the conclusions reached by the Working Group on the basis of regional and global research in its thematic reports and various country visits.

102. The Working Group's assessment of good practices in eliminating discrimination against women reaffirms the imperative that international human rights standards must be incorporated into national law and laws that contradict those principles must be repealed or modified, without exceptions based on cultural grounds, including cultural and customary grounds. Constitutional provisions that support gender equality create the foundation from which women's rights can most comprehensively be supported throughout the legal system. States must also take measures to ensure that international and constitutional standards for women's equality are infused at all levels of the legal framework, especially in federated and pluralistic legal systems.

103. To ensure that laws facilitate good practices in the elimination of discrimination and women's empowerment, a systematic gender analysis of the law and its potential impacts, as well as outcomes, is imperative. Gender analysis of existing and draft laws through the input of diverse stakeholders and the sharing of good practices must be undertaken comprehensively and regularly. This requires capacity-building on a rights-based gender analysis for duty holders in all spheres and meaningful collaboration with an autonomous civil society that includes women's organizations and legal experts on women's rights. In addition, it requires ongoing independent monitoring and research by national human rights institutions, treaty bodies, special procedure mandate holders, scholars and other experts.

104. Changing the law to meet the State obligation to respect and protect women's human rights are key steps, but investigations show that fulfilling rights remains the most challenging facet of this triad. The fulfilment of women's human rights requires substantive shifts in deeply entrenched social and cultural norms that reinforce gender stereotypes and perpetuate women's subordination. As the Working Group has emphasized, the State must act as an agent of change as regards to women's place in cultural and family life. The fulfilment of progressive legal frameworks requires strong political will, supported by appropriate resources, and attendant measures focused on attitudinal and behavioural change that cultivate an environment in which good practices can thrive. Change must be transferred from the normative level into all sectors of society so that duty and rights holders alike are able to internalize the shifts required to support human rights implementation.

105. **Among the key challenges in eliminating discrimination against women in law and practice is the question of sustainability in the efforts and impacts of changing laws. Local and global political and ideological landscapes are ever-shifting and resources are limited and insecure.**

106. **The developmental process of a good practice over longer periods of time means that political shifts in national or international governance can adversely affect sustainability.**

107. **A key area of concern to the Working Group is the profound level of backlash against women's human rights gains, which is on the rise both within States and in international spheres. In a climate of rising populism, xenophobia and fundamentalisms, long-established women's human rights norms are being undermined, heightening the fragility of good practices in this context. In addition, a concurrent attack on women's organizations, women's human rights defenders and civil society movements — including feminist, environmental and human rights movements — creates an atmosphere in which these key actors are criminalized, de-funded and even killed, making the question of good practices moot. The Working Group emphasizes the importance of maintaining the autonomy of local and national movements and other civil society actors — including national human rights institutions, public interest lawyers and scholars — as an essential means of protecting and sustaining good practices. Backlashes within intergovernmental forums, as well as at the national level, must be challenged head-on by the international community.**

108. **Resource allocation to support the progressive implementation of women's human rights is part of State obligation. States must undertake a process of gender budgeting to ensure that their legal and policy commitments bear results. Key limiting factors of the good practices identified were insufficient funds, disproportionate burden of implementation on non-government actors and dependence on large-scale or single donor international funding resources. While involvement of autonomous women's organizations has been seen as essential in the implementation of rights, the relationship between State and non-State actors should involve complementary efforts. Even States with limited resources make key decisions that support the implementation of rights when political will is present to do so. Budget allocation, whether originating from the State or a donor, must take into account the longitudinal nature of change to ensure that promising practices are not arrested before they can fully come into fruition.**

B. Recommendations

1. General recommendations

109. **There are multiple entry points to change the law and ensure effective implementation of laws guaranteeing women's right to equality, including through the initiative of women rights holders and autonomous women's organizations in civil society. The Working Group recommends that States:**

(a) **Take every measure to ratify the Convention on the Elimination of All Forms of Discrimination Against Women and its Optional Protocol, withdraw reservations thereto, incorporate its provisions into national constitutions and all hierarchies of domestic law, and actively seek to implement recommendations made by the Committee on the Elimination of Discrimination against Women, the Working Group and other relevant human rights mechanisms in view of improving the realization of women's human rights;**

(b) **Repeal all laws that directly discriminate against women, and review all new and existing legislation through a rights-based, gender-sensitive lens, involving independent experts, including autonomous women's organizations;**

(c) **Improve the knowledge-base on good practices by providing the ways and means to support initiatives that apply a living-law approach to evaluating**

outcomes and impact of laws, and record detailed results for the sharing of promising and good practices.

2. Specific recommendations

Social change

110. **The cultivation of a culture of human rights is needed for social change and requires specific measures that draw from the richness and complexity of particular contexts and histories, and that involve all sectors of society, including autonomous women's movements. As exemplified by the cases in the present report, good practices result from sustained processes that benefit from the dynamic interaction brought by a diverse range of actors and involve responsivity to changing situations in order to ensure ongoing fulfilment of equal rights.**

111. **The Working Group recommends that States:**

(a) **Invest in long-term and multi-dimensional strategies to promote social change, including extensive training, educational and awareness-raising measures to promote a culture of human rights among right and duty holders alike;**

(b) **Ensure the active participation of women of all sectors of society in monitoring and implementing human rights.**

Sustainability

112. **It is essential to ensure that a robust constitutional and legal framework is in place to support long-term rights implementation and to weather challenges that may come from regressive political or ideological forces that threaten to undermine progress. The Working Group recommends that States:**

(a) **Recognize the crucial role of autonomous women's organizing in the development of good practices, and endeavour to create a legal, policy and budgetary framework to support autonomous civil society organizations, women's movements, and citizen participation in legal development, reform and implementation;**

(b) **Apply the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the High Commissioner (A/HRC/32/20), with a gender-sensitive lens that takes into account the unique position and challenges faced by women's human rights defenders;**

(c) **Prioritize the allocation of funds, both internationally and domestically, to support active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's empowerment.**

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary

Note by the Secretariat

The Secretariat has the honour to transmit to the Human Rights Council the report of the Working Group on discrimination against women in law and in practice on its visit to Hungary from 17 to 27 May 2016. The Working Group reviews the State's legal, policy and institutional frameworks for women's human rights, including the constitutional guarantee of equality between women and men and the characteristics of women's economic and social participation, particularly in the light of the family policy framework. It highlights the impact of gender stereotyping on women's advancement in political and public life. In the area of women's health, the Working Group draws attention to the existence of barriers to access to reproductive health services. It notes progress in combating violence against women, and the remaining challenges. It recommends that the Government give the elimination of discrimination against women priority on its agenda.

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Report of the Working Group on the issue of discrimination against women in law and in practice on its mission to Hungary*

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* Circulated in the language of submission only.

I. Introduction

1. The Working Group on discrimination against women in law and in practice, led by its Chair-Rapporteur, Frances Raday, visited Hungary from 17 to 27 May 2016 at the invitation of the Government. The Working Group met with various stakeholders in Budapest, Bicske, Eger and Pécs. It expresses its appreciation to the Government for its cooperation before and during the visit.

2. In accordance with the mandate of the Working Group, the objective of the visit was to engage in dialogue with the Government and other stakeholders, including civil society organizations, on eliminating discrimination against women in law and in practice.

3. In Budapest, the Working Group met with representatives of the Ministry of Human Capacities, the Ministry of National Economy, the Ministry of the Interior, the Ministry of Agriculture, the Ministry of Justice, the Ministry of Foreign Affairs and Trade, the Prime Minister's Office, the Central Statistical Office, the Constitutional Court, the Office of Immigration and Nationality, the Equal Treatment Authority, the Office of the Prosecutor General, the National Media Authority, the National Judicial Office, and members of the Parliament. It also met with the Commissioner for Fundamental Rights, representatives of civil society organizations working on women's rights, academic scholars, and representatives of the United Nations. The Group expresses its appreciation to all its interlocutors for their valuable input, including individual experts and representatives of women's human rights organizations.

II. Context

4. Hungary has undergone important transformations in recent decades, with a significant impact on gender equality and women's rights. The end of the socialist system in 1989 and the first multiparty parliamentarian election held the following year initiated a process of transition from a centrally planned State economy to a free market economy. The egalitarian approach of the socialist State to men's and women's economic and social participation had provided women with comparable access to employment and education as men, and special protections in the field of maternity and child care. During the years of transition, attention was centred on the process of privatization and foreign investment. Women's economic and social rights did not figure as priorities; this resulted in many women losing their jobs, a severe reduction of child-care services owing to welfare cutbacks, and a decline in the real value of subsidies for families with children.[1] It was also due to the liquidation or privatization of State companies, which had previously offered child-care facilities.

5. In the process of adhesion to the European Union in 2004, Hungary brought its legislative, policy and institutional frameworks into line with European Union directives. In 2003, in preparation for entry into the European Union, it adopted Act CXXV on Equal Treatment and the Promotion of Equality of Opportunities.

6. In 2011, Hungary enacted the Fundamental Law, which provides for a constitutional guarantee of equality for women. Following the outcome of the 2010 and 2014 legislative elections, the Government has been able to undertake a wide range of legislative initiatives.

[1] European Parliament, "The Policy on Gender Equality in Hungary: Update 2013", Directorate-General for Internal Policies, 2013.

According to some observers, the Government "has structurally reorganized the Hungarian State and fundamentally modified the Hungarian legal system since 2010."[2]

III. Legal, policy and institutional frameworks

7. Hungary has ratified most of the core international human rights treaties (A/HRC/WG.6/25/HUN/2), including the Convention on the Elimination of Discrimination against Women and the Optional Protocol thereto. It has ratified key conventions of the International Labour Organizations. Hungary has signed but not yet ratified the Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention).

A. Constitutional framework

8. The Fundamental Law, which entered into force in January 2012 and was subsequently amended five times, frames the normative environment for women's human rights. It includes sex as one of the numerous grounds of prohibition of discrimination, and guarantees women and men equal rights. It also clarifies that the State is to promote equal opportunities and social convergence by introducing special measures, and taking measures aimed specifically at protecting families, children, women, the elderly and the disabled.

9. The Fundamental Law contains robust provisions for the protection of the family, to which it refers as "the basis of survival of the nation", and encourages the commitment to have children. It also guarantees the right to life and human dignity, and specifies that the life of the foetus is to be protected from the moment of conception. Act CCXI of 2011 on the Protection of Families was adopted to implement the Fundamental Law and to ensure that its family policy would bind all future Governments. In a key ruling in 2012, the Constitutional Court struck down provisions in the Act that limited "family" to marriage between a man and a woman plus dependent children as being "excessively restrictive".

10. In response to the rulings of the Court, in March 2013, Parliament passed the fourth amendment to the Fundamental Law, reconfirming that the family was based on marriage between a man and a woman and the parent-child relationship. According to the Government, the amendment does not exclude the legal protection of family relationships in a broader sense;[3] cohabitation of same-sex couples has been recognized since 1996; such couples have also been able to enter into registered partnerships since 2009 with most of the same rights and duties that come with marriage.

B. Equal Treatment and Promotion of Equal Opportunities Act

11. Act CXXV of 2003 on Equal Treatment and Promotion of Equal Opportunities, which established an anti-discrimination framework, was considered by interlocutors to be a good instrument to ensure equal rights for all persons in Hungary. The Act introduced the concept of "positive discrimination", aimed at the elimination of inequality of opportunities of an expressly identified social group. It includes both direct and indirect discrimination as punishable. In accordance with European Union directives, the Act established an equal treatment authority to monitor the implementation of the law.

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[2] Beáta Nacsa, "Country report: Gender equality. How are EU rules transposed into national law? Hungary", reporting period 1 July 2015–1 April 2016, European Commission.

[3] See information annexed to A/HRC/WG.6/25/HUN/1.

12. Sex, pregnancy, motherhood or fatherhood, sexual orientation and sexual identity are among the 20 prohibited grounds of discrimination in the Act. By including women as just one of a list of marginalized groups, the Act fails to provide either a stand-alone goal for the elimination of discrimination against women or a goal for integrating women's right to equality within each of the marginalized groups. This undermines the potential for developing targeted gender equality measures on both structural and identity levels, combating gender stereotypes, providing suitable measures for the participation, advancement and empowerment of women in public political and economic forums and securing equality in the family.

C. National Strategy for the Promotion of Gender Equality (2010–2021)

13. The State's gender equality policy was outlined in the National Strategy for the Promotion of Gender Equality, adopted in 2010 by the previous Government and financed by European Union structural funds and the national budget.[1] The strategy mirrors the European Union road map for gender equality 2006-2010, including objectives that can form a solid basis for the promotion of gender equality. The strategy is based on the priorities of achieving equal economic independence for women and men, eliminating the gender pay gap, considering the issues of poverty and health in relation to women; stronger support for the reconciliation of work, private and family life; increasing the participation of women in political and economic decision-making, and in the field of sciences; taking the measures necessary to eradicate and efficiently prevent gender-based violence; eliminating gender stereotypes; and laying the professional foundations for the changes required to achieve the targets set by gender mainstreaming.

14. The Government committed to the formulation of biennial plans of action that would include measures related to long-term targets and the methods of implementation (CEDAW/C/HUN/7-8). After an initial 2-year plan, which covered a range of priority areas, including paid work, care, family and political life, health and education, the only measures that were further introduced were in 2014, for family support.

D. Institutional framework

1. Equal Treatment Authority

15. The Act on Equal Treatment and Promotion of Equal Opportunities (2003) established the Equal Treatment Authority as an autonomous entity that reports to Parliament. The Authority also takes educational initiatives to eliminate all forms of discrimination. In 2012, the Authority's budget was significantly reduced, resulting in a decrease in the number of experts and staff.[1] According to government information, the financial situation of the Authority has improved since 2013, although it is unclear what impact this has had on the staffing situation.

16. The Equal Treatment Authority examines and decides on individual cases that are submitted to it. It has the right to fine companies or government agencies found to have acted in a discriminatory way. The Authority deals with all 20 listed grounds of discrimination. No specific institution or branch is responsible for implementing women's rights. Despite the data on inequality between women and men in the labour market, the Authority does not deal with many cases on discrimination against women, which mostly concern equal pay, motherhood or pregnancy. Although sexual harassment is prohibited by the Equal Treatment Act, the Authority has only found one employer guilty of this offence.

2. Commissioner for Fundamental Human Rights

17. Established by the Act CXI (2011), the Commissioner for Fundamental Human Rights is an ombudsman-type institution that covers the spectrum of fundamental rights, including the principle of equal treatment and non-discrimination, and is responsible for the protection of all vulnerable groups. Two deputy commissioners are responsible for the protection of the rights of national minorities and the protection of the interests of future generations.

18. In accordance with the mandate and institutional structure of the office of the Commissioner for Fundamental Human Rights, women are one of a number of vulnerable social groups. In a submission for the Committee on the Elimination of Discrimination against Women of January 2013, the office of the Commissioner had not received any complaints concerning discrimination against women. The full potential of the office in the promotion and protection of women's rights seems yet to be realized.

3. Governmental entities and mechanisms

19. Since the change of Government in 2010, national women's machinery and programmes have undergone significant changes, placing greater emphasis on supporting child care and improving family welfare, population indicators, and the status of families and women with children (CEDAW/C/HUN/Q/7-8/Add.1).

20. The Office of the State Secretary for Family and Youth Affairs of the Ministry of Human Capacities is the main governmental entity responsible for women's affairs. The Department of Gender Equality was replaced by the Department for Equal Opportunities, which was given a broader scope of responsibilities (but a reduced number of staff members). The Department of Family Policy plays an important role in the development of policies affecting women, including their reproductive rights and work-life balance. According to the stated goal of the Government and the opinion of stakeholders, the Department focuses most of its work on women's role in the family, as mothers in the context of greater demographic growth.[4]

21. The Council for Gender Equality, a tripartite consultative forum for issues of gender equality consisting of representatives of ministries, non-governmental organizations and independent experts, has reportedly not been convened since 2010.

22. The approach of the special ministerial commissioner on women's employment, appointed by the Minister for the Economy, has been seriously questioned by women's organizations for her lack of public visibility and her focus on portraying women's employment in a positive light, while neglecting essential issues, such as the gender pay gap, economic decision-making, and the sharing of care work.[5]

23. A thematic working group on women's rights was established as part of the human rights roundtable set up in 2012. Although the group was established with the stated intention of providing a forum for dialogue with civil society, it has not been convened on a regular basis; according to some stakeholders, important subjects of relevance to women's rights do not seem to have been consistently put on its agenda.

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[4] Alternative report submitted in January 2013 to the Committee on the Elimination of Discrimination against Women by the Hungarian Women's Lobby and the European Roma Rights Centre.

[5] Ibid.

4. Subcommittee on Women's Dignity

24. In 2015, the Parliament established, under the Committee on Culture, the Subcommittee on Women's Dignity, which focuses on issues of women's safety and domestic violence, and is charged with carrying out the preparatory work for the ratification of the Istanbul Convention. Its agenda includes the improvement of women's participation in economic, political and public life (A/HRC/WG.6/25/HUN/1, para. 25).

25. Legislative, institutional and policy frameworks for equal opportunities for women, with a constitutional guarantee for equality between men and women, are in place. The Working Group is concerned, however, that the elimination of discrimination against women and women's empowerment do not have a high degree of visibility as a stand-alone goal, in accordance with the strategy foreseen under the Sustainable Development Goals. Indeed, women feature as but one of a list of disadvantaged groups, not as a cross-cutting group that accounts for at least half of each of them. Specific measures regarding the human rights of women are approached essentially from the perspective of their role in the family and as mothers.

IV. Political and public life

26. Political and public life encompasses the legislative, judicial and executive organs of the State; public administration, including public boards and local councils; political parties and other organizations concerned with public and political life; and civil society, including trade unions, professional and industry associations, women's organizations and community-based organizations.[6]

27. At only 10.1 per cent, the representation of women in Parliament has improved little since the first democratic election in 1990 in which women won 7 per cent of seats; it is still one of the lowest in the European Union and one of the lowest globally, ranking 158th out of 193 countries.[7] In the regional assemblies, women's representation is slightly higher (12 per cent), although there are no women Regional Presidents. In local councils, women account for 20 per cent of those elected, mostly in small communities. At only 19 per cent, the proportion of Hungarian women Members of the European Parliament is among the lowest.

28. There have been consistently few women ministers in successive Governments. After the transition to parliamentarian democracy, from 1998 to 2014, only five women have been members of cabinet. Currently, there are no women in the 9-member cabinet. In 2015, women accounted for 11 per cent of all secretaries of State and 15.7 per cent of deputy secretaries (while making up 49 per cent of medium-level officials in ministries and 40 per cent of high-level positions in public administration in 2012); in the diplomatic service, women account for 15 per cent of ambassadors, 28 per cent of minister counsellors and 34 per cent of consuls.

29. There are no Roma women in Parliament at the national and European levels, although two Roma women were members of the European Parliament between 2004 and 2014. The National Social Inclusion Strategy (2011–2020), while specifically tackling the social exclusion of the Roma, who constitute 7 per cent of the population, has not strategized the empowerment of Roma women in political life or in decision-making positions.

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[6] See Committee on the Elimination of Discrimination against Women, general recommendation No. 23 on women in political and public life.

[7] See Inter-Parliamentary Union, Women in national parliaments (www.ipu.org/wmn-e/classif.htm).

30. The low representation of women in the country's political life is also reflected in their low degree of visibility in media programmes. In television and radio news programmes, women represent only 20 per cent of interviewers and interviewees. In this regard, the Working Group particularly welcomes the monitoring role played by the National Media Authority.

31. The extremely low representation of women in Parliament and their absence from the Cabinet represent a clear lack of political will to empower women. The Working Group notes that, although the Fundamental Law provides for the adoption of special measures to promote equal opportunities and social convergence, proposals to introduce temporary special measures, including quotas, to increase women's representation have been repeatedly rejected in Parliament. The Working Group reiterates its view that special measures, including quotas for women and other temporary measures, as required under the Convention on the Elimination of All Forms of Discrimination against Women, are necessary to achieve equality between men and women in political and public life, and to address discrimination, stereotypes and the underlying structural disadvantaging of women. In its report on public and political life, the Working Group observed that the most significant increase in the number of women in national parliaments over the years had been witnessed in countries where special measures, such as gender quotas, had been effectively implemented. The use of quotas to advance women's political representation has increased in the past three decades and has produced significant results when properly adapted to specific electoral and political systems (A/HRC/23/50, para. 38). The Working Group welcomes the adoption by some political parties in Hungary of quotas for their national lists. In the current political situation, the governing party could play a decisive role in increasing women's representation in Parliament either by adopting quotas in its own party or by requiring quotas for all political parties in legislation.

32. In the judiciary, a branch largely feminized during the socialist period, women are well represented, including in leading positions. They indeed account for 65 per cent of judges in all courts and 48 per cent of judges at the National Supreme Court, significantly higher than the European Union average of 34 per cent. Nonetheless, of the 15 members of the Constitutional Court, who are appointed by Parliament, only three are women.

33. The Working Group welcomes the Government's statement that civil society organizations play a crucial role in public life and in the legitimacy of public decisions, and that there is space for them to criticize the Government (A/HRC/33/9). It regrets, however, that some non-governmental women's rights organizations reported that they had experienced a lack of cooperation, or even communication, with State actors since 2010.[8] According to some interlocutors, the Government focuses on cooperation only with non-governmental organizations dealing with family-related issues, to the exclusion of women's organizations with other policy agendas. This claim is supported by academic research, which has shown that government funding of non-governmental organizations and consultations on issues relating to women's rights policy has been directed mainly to organizations with nationalist or conservative agendas. The Working Group was concerned, as also reported by the Special Rapporteur on the situation of human rights defenders during his visit to Hungary, that women's non-governmental organizations that have a transformative agenda and organizations representing lesbian, gay, bisexual, transgender and intersex persons and minority interests have been subjected to harassment, marginalized and accused by senior government officials and politicians of having politicized and hostile agendas. Indeed, in 2013, a communication campaign was launched in the media targeting 13 non-governmental organizations that had received grants from the

[8] Universal periodic review stakeholders joint submission 10.

European Economic Area Norway Grants fund, including the four major women's transformative human rights organizations, and reportedly been blacklisted by the Government. The organizations had also undergone a financial audit as grantees of the fund.[9]

34. The Working Group firmly believes that women's civil society organizations play an essential role in the elimination of discrimination against women and their empowerment, embracing the various aspects of women's lives, including both service and welfare objectives, and transformative political and economic agendas. They are crucial to women's participation in public and political life, including in bridging gaps in certain areas where the State is absent, and should enjoy the cooperation and support of the Government.

V. Economic and social life

A. Women in the labour force

35. The rate of participation of women in the labour force has remained low since the transition to a free market economy after decades of State socialism, when Hungary had full employment of women. Increasing the participation of women in the labour market has been a government priority set out in its National Strategy for the Promotion of Gender Equality. A noticeable increase has indeed been witnessed in recent years, reaching 57 per cent in 2015; it should be noted, however, that the increase was registered in the context of an overall increase in employment, and when the participation gap with men was also at its greatest since 2007, at 12.5 per cent.[10]

36. The reasons for significantly lower rates of participation of women in the labour force include the disproportionate allocation of unpaid care duties to women, insufficient child-care facilities, the difficulties encountered in finding part-time or flexible work, the difficulty involved in returning to the labour market after extended leave, and the early exit of older women from the labour market.

37. Women occupy almost 40 per cent of all management positions, a relatively large proportion when compared with the average in the European Union. Nonetheless, women account for only 4 per cent of chief executive positions, and only 17 per cent of the two highest levels of management. They account for only 11 per cent of company board members, as against an average of 23 per cent in the European Union. According to information provided during the visit, in the agricultural sector, 26 per cent of family farm managers are women, although 70 per cent of family farm workers are women.

38. The multiple discrimination to which Roma women are subject, including in employment, is widely recognized. While the issue of Roma is a national priority and the adoption of the European strategy for the integration of Roma was a flagship initiative of the Government during its presidency of the European Union in 2011, programmes focusing on Roma women are limited. The 2012–2014 plan of the National Social Inclusion Strategy contained one initiative regarding the promotion of employment opportunities in social, child welfare and child protection institutions for Roma women.[11] The Working Group commends the special governmental programme devised to support the social inclusion of disadvantaged women, particularly Roma women, between 18 and 55 years of

[9] Universal periodic review stakeholder submission (Frontline Defenders).

[10] See European Commission, Eurostat, Income and living conditions (accessed 22 February 2017).

[11] Hungarian Women's Lobby, alternative report submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

age. The programme provides those eligible with training in social and child welfare professions, such as nursing assistants and child-care workers, and prepares them for employment in relevant institutions. The Working Group visited an elderly persons home in Eger where the Roma women had become fully integrated into the staff. It believes that the programme should be extended to open opportunities for more Roma women in other less traditionally female work areas.

39. The Working Group was impressed by the remarkable leadership and success stories of some Roma women who had succeeded in forging careers as professionals, entrepreneurs and regional civil servants. It notes, inter alia, the work of the Colourful Pearls Association, a non-governmental organization, in Pecs, which supports and empowers Roma women in education and training, job placement and access to health services.

B. Equal pay for work of equal value

40. The Fundamental Law does not mandate equal wages, unlike the previous version of the Constitution. Although the Labour Code of 2012 refers to the principle of equal treatment and equal pay for equal work, it does not have an explicit requirement for equal pay for work of equal value, nor does it provide for any system for gender-neutral job evaluations.

41. In its Direct Request, adopted in 2013, with regard to the ILO Equal Remuneration Convention, 1951 (No. 100), the Committee of Experts on the Application of Conventions and Recommendations observed that, despite a reference to "the equal value of work", the Labour Code did not appear explicitly to provide for an obligation to pay men and women equal remuneration for work of equal value, but seemed to refer only to the principle of equal treatment in remuneration. The Committee suggested amending the Labour Code explicitly to provide for equal remuneration between men and women for work of equal value, clarifying that work of equal value was to be determined on the basis of objective criteria. It requested the Government to provide information on any measures taken to address the underlying causes of the gender pay gap, such as horizontal and vertical occupational gender segregation and the need for men and women to reconcile work and family responsibilities.

42. As in other countries of the European Union, Hungary has a persistent gender pay gap, which is measured on the basis of various indicators. Eurostat registered a gender overall earnings gap of 32.4 per cent in 2014,[12] and a number of other indicators covering a range of occupational fields (for example, 15.1 per cent for industry, construction and services, and 3.8 per cent for public administration).[13] According to the Organization for Economic Cooperation and Development (OECD), the most recent figures for 2015 (established in accordance with its own methodology) showed a gender wage gap in Hungary of only 9.5 per cent.[14]

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[12] The gender overall earnings gap is a synthetic indicator that measures the impact of the three combined factors: (1) average hourly earnings; (2) monthly average of the number of hours paid (before any adjustment for part-time work); and (3) employment rate, on the average earnings of all women of working age (whether employed or not) compared to men.

[13] European Commission, Eurostat, Earnings and social inclusion (http://ec.europa.eu/eurostat/data/database), accessed 24 February 2017.

[14] The gender wage gap calculated by OECD is unadjusted and defined as the difference between median earnings of men and women relative to the median earnings of men (data refer to full-time employees and self-employed).

43. The Labour Code does not require employers to develop equal opportunity plans. Discrimination against women in employment is usually not challenged as an independent cause of action in the court system, and there is little visibility or awareness of women's right to access to justice to enforce their right to equal treatment and opportunity in employment.

C. Family and work

44. The Government considers the family, women, work and the protection of children one integral policy issue (A/HRC/WG.6/25/HUN/1). Promoting the family and integrating work with family has been a central concern of the current Government's gender equality policy.

45. Family policy is focused on maintaining demographic growth, reflecting the explicit constitutional provision guaranteeing the protection of the family as the basis of survival of the nation. According to the information contained in a family policy paper provided during the visit, the Government's prioritized objective is to secure a lasting reversal in demographic trends. Despite the reported increase in the number of marriages and the decrease in the divorce rate and the voluntary termination of pregnancies since 2010, the Government remains concerned that the current population numbers can be maintained only if each woman of child-bearing age has more children. In the view of the Government, financial stability and employment are conducive to demographic growth.

46. The State has long offered a family support system through family allowances and other paid benefits, which have allowed mothers to suspend their participation in the labour market to care for their children, particularly during the children's infancy. With the adoption of Act CCXI on the Protection of Families in 2011, the Labour Code in 2012, and another reform in 2014, the Government has introduced measures to render more flexible the generous and complex packages of the family support system – more than 3.5 per cent of GDP (against the OECD average of 2.5 per cent) is allocated to family benefits – with a view to facilitating women's return to the labour market and to establishing the work-life balance of parents with young children.

47. The return to employment of mothers with young children has been a priority for the Government. The new Labour Code in fact requires employers to allow parents of small children to work part time until their youngest child has reached 3 years. Employers who employ mothers of three of more young children are eligible for tax relief.

1. Maternity leave, paternity leave and parental leave

48. The Labour Code provides for 24 weeks of maternity leave and five days of paternity leave. The Working Group believes that, beyond the minimum mandatory leave of 14 weeks for women (in accordance with ILO conventions and European Union directive 92/85), the decision of taking the remainder of the 24 weeks of leave envisaged by law should be left to the parents. Women cannot enjoy equal opportunities if the law prevents them from sharing the burden of care for young or elderly family members with men.

49. Parental leave of up to three years is also guaranteed for employees in both public and private sectors. Both parents have an individual right to take parental leave; if both parents take leave, however, only one of them is entitled to social security payments, and only the mother is entitled to job protection. The law does not allow for the sharing of maternity leave nor for the transfer of part of the parental leave to the other parent. The mother is usually the parent who takes parental leave. Interlocutors explained this as a result of the gender wage gap; the increasingly conservative tone of public rhetoric on the

"proper" role of women; and also the common view that it is in the best interests of the child to stay at home with the mother until the age of three.

50. The Labour Code prohibits the termination of a woman's contract during pregnancy, maternity leave or leave of absence taken without pay to care for a child. A pregnant employee may invoke protection against termination of contract only if she has given notice to her employer of her pregnancy before the disclosure of the termination. In 2014, the Constitutional Court ruled that this provision may violate the employee's right to privacy and human dignity, and that the employee should be protected against termination even when prior notice has not been given.

2. Family allowance

51. Family allowance is guaranteed to every family from the date of birth of the first child until the child completes secondary studies. The amount of family allowance provided increases if there is more than one child in the family, for single parents or in the case of disability.

52. A range of in-kind support is available to families, such as school meals and textbooks. In 2015, the Government introduced a programme that provided housing grants and loans to families with three children or more, including single-parent families.

53. A new form of tax relief introduced in Hungary affects a significant proportion of families, favouring those paying income tax or at least social contributions. The amount of the tax deduction is much higher for families with three or more children than for families with just one or two children. The Government plans gradually to double the allowance for families with two children. The State currently allocates approximately 1.1 per cent of GDP to this scheme.

3. Child-care support

54. There are currently four forms of monetary support designed to help parents, and particularly mothers, to take leave of absence from work and to care for their children at home. Infant-care and child-home-care subsidies are payable to employed parents, and the amount of each depends on the mother's previous salary. The first subsidy, equal to 70 per cent of current salary, with no upper limit, is paid to the mother during maternity leave; the second, equivalent to 70 per cent of the previous salary, with an upper limit, is paid to the parent after the first benefit expires, and continues until the child reaches the age of 2 years,.

55. The other two forms of allowance – the child home-care allowance and the child-raising support benefit – guaranteed a fixed amount that is payable regardless of previous employment status, and are thus mainly paid to non-working mothers. The first, a relatively low amount, is payable from the child's birth until the child reaches 3 years of age. Parents previously employed are also eligible for this allowance when the child is between 2 and 3 years of age. The child-raising support benefit is payable from the age of 3 to 8 years to parents of three or more children. Beneficiaries of these two allowances are permitted to work either part-time or full-time.

4. Child-care facilities

56. Hungary did not meet the targets set by the European Council in 2002 of providing child-care facilities by 2010 for at least 90 per cent of children between the age of 3 and the mandatory school age and at least 33 per cent of children under the age of 3. The most

recent data, currently at 89.1 per cent and 15.4 per cent respectively, indicate that Hungary has made steady progress to achieve the targets.[15] While welcoming this progress, the Working Group is concerned about the low rate of availability for children under 3 years of age, which adversely affects low-income families, who are usually unable to pay for private care arrangements.

57. The lack of child-care services was the reason most frequently reported by women for not working or for working part-time. The employment rate of women with children below the age of 12 years is more than 27.4 percentage points lower than for women without children. The gap of participation in the labour market between mothers and women without children is the second largest in the European Union.[16]

58. The Working Group believes that the social and economic measures taken to encourage mothers to stay at home for prolonged periods with their young children may contribute to the longer-term economic inactivity of women. While part-time employment of parents of young children should be encouraged, it should be recognized that part-time work might not provide either the income or the job prospects that many women need, and could prejudice their long-term career and economic prospects.

59. The Working Group recognizes the progress made in promoting women's employment through a range of measures, including child care, child-care leave policies and the facilitation of part-time work, and notes that as much has also been acknowledged by civil society organizations.[17] The Working Group believes, however, that the Government's family policy places women in a dilemma. It sends mixed messages: on the one hand, it embraces an idealized role for women who stay at home to care for a three-child family; on the other, it calls for women to work as a matter of economic necessity.

60. The Working Group notes that a large proportion of the package of family support benefits is based on the percentage of the previous salary or income tax relief, such as the maternity and parental leave payments and the child home-care fee. According to the interlocutors encountered by the Working Group, this system of calculation and mode of benefit delivery are very effective for middle- or high-income parents, but not for those with a low income.

D. Education

61. The right to education is described in article XI of the Fundamental Law. The Act on Public Education of September 2015 extended compulsory kindergarten education to children aged between 3 and 5 years.

62. Hungary has achieved a high level of education for both boys and girls; completion of secondary education is in fact considerably higher than the OECD average.[18] Nonetheless, only 23 per cent of men and women complete a tertiary education, which is low in comparison with the OEDC average of 39 per cent. In the past 20 years, women have completed tertiary education at a higher rate than men, with a high proportion of them in part-time studies and distance learning. The Working Group notes that women students

[15] European Commission, Eurostat, Income and living conditions (http://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database), accessed 22 February 2017.

[16] European Parliament, "The Policy on Gender Equality in Hungary: Update 2013", Directorate-General for Internal Policies, 2013.

[17] Hungarian Women's Lobby, alternative report submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

[18] OECD, Country note, Education at a glance 2014: Hungary.

are more concentrated in the humanities, and tend to choose professions in education, arts and social sciences. They are underrepresented in information technology, engineering and science.[19]

63. Despite their higher tertiary education completion rate, women hold only 37 per cent of doctorates and 14 per cent of university professorships, and account for only 3.5 per cent of the membership of the Academy of Sciences. Hardly any university rectors, who are appointed by the Minister for Education, and are responsible for setting the agenda for gender balance of university staff, are women.

64. The overall shift from emphasis on gender equality to family mainstreaming was reflected in the new national core curriculum adopted in 2012. According to interlocutors, gender equality has been downplayed in the curriculum, while greater emphasis is given to preparing students for relationships and to family life.[20] At its fifty-fourth session, the Committee on the Elimination of Discrimination against Women expressed its concern that educational programmes aimed at strengthening family life skills reinforced traditional gender stereotypes (CEDAW/C/HUN/CO/7-8).

65. Roma women have a much lower education level; according to the National Social Inclusion Strategy (2011-2020), only 5.8 per cent have vocational qualifications, compared to 17.5 per cent of Roma men. Roma women have a lower education level than non-Roma women, although the number of Roma women with upper secondary education has increased.[21] The Working Group believes that the placement of Roma children in schools of an inferior standard or in schools for pupils with learning disabilities is a discriminatory practice.

66. In contrast, the Working Group was impressed by the success of the cultural enrichment programme and excellent education for Roma children in the Gandhi High School, which it visited. The school has a success rate of almost 100 per cent in placing its graduates in either tertiary university education or vocational frameworks; of these, 50 per cent of graduates, a majority of whom are girls, enter university. The school also provides an exemplary model for re-integrating girls who have become pregnant. The Working Group was deeply concerned to hear that Roma women had reported experiencing multiple discrimination and hostility on university campuses. Roma women who have completed tertiary education encounter multiple discrimination in the labour market,[22] and many of them fail to find employment at the academic or vocational level that they have acquired. They also face restrictive conservative attitudes of their own communities.

VI. Gender stereotypes

67. The Working Group noted that women's participation in all spheres of society was overshadowed by a stereotypical and patronizing approach to women that pervades attitudes and speeches. Gender stereotypes depicting women solely in the role of mothers and caregivers and disparaging them as political actors are predominant, which has a great impact on their right to equality, undermining their empowerment. Some interlocutors referred to women as "the weaker sex".

[19] UNESCO, Education for All 2015 National Review: Hungary.

[20] Alternative report submitted to the Committee on the Elimination of Discrimination against Women.

[21] European Parliament, Country report on Hungary: Empowerment of Roma Women within the European Framework of National Roma Inclusion Strategies, 2013.

[22] European Commission, Discrimination in the EU in 2009, Eurobarometer, November 2009.

68. The high prevalence of gender stereotyping of women in the public sphere undoubtedly contributes to their low levels of political participation. Some public officials openly justify the low representation of women in politics, as did the Speaker of Parliament, in his speech at a rally for the Fidesz party on 13 December 2015, when he suggested that a woman's place is at home, not in politics; he was greeted by a round of applause. When Hungarian women do enter in politics, they face a strong sexist institutional culture of which the Working Group was given several egregious examples by interlocutors. Offenders are rarely sanctioned for their behaviour or remarks. Interlocutors also informed the Group that incitement to hatred against sexual minorities by politicians and leading government officials is commonplace.

69. Conservative stereotypes about women's role in society also have a considerable impact on women's participation in the labour market. A survey conducted in 2008 on gender stereotypes revealed that Hungarians were more likely than citizens in other countries of the European Union to support the notion that men should be prioritized for employment when jobs are scarce and that women should be prepared to do less paid work in order to care for their families. For a high portion of the population, the role of the man is to earn money, while that of the woman is to care for the household and children.

70. A State regulation on the elimination of stereotypes from school textbooks has been in force since 2006. The Working Group was informed and shown by interlocutors from the education sector, however, that new school books still contain gender stereotypes, depicting women as primarily mothers and wives and, in some cases, depicting mothers as less intelligent than fathers. The elimination of gender stereotypes was one of the priorities of the National Strategy for the Promotion of Gender Equality to be achieved by 2012.Concrete outcomes are, however, yet to be seen.

VII. Right to health

71. The foundations of the Hungarian health-care system were established by Act CLIV of 1997 on Health, which guarantees the right of each person to have access to appropriate health care without discrimination, including on grounds of gender. Under the Act, women's health is addressed in the section on family health, and relates in particular to women's reproductive functions and prenatal care for "expectant mothers". The Working Group believes that health agendas must address women's health in a holistic manner in order to establish the differentiated medication, treatment and medical services required for female patients. Policies regarding women's health services should not be limited to questions of maternal health. Despite the importance of prioritizing this issue, such a restrictive focus fails to recognize the full spectrum of women's rights to sexual and reproductive health at all stages of their life cycle, and contributes to the instrumentalization of women's bodies, viewing them mainly as a means of reproduction (A/HRC/32/44, para. 33).

72. Women in Hungary have a life expectancy of 78.7 years compared to 71.6 for men.[23] According to the Government, basic health services reach a large proportion of the population, including disadvantaged persons, while vaccination against HPV is offered to 12 year-old girls. The network of health visitor nurses has a long history in the country, and has been increasingly used to cover areas such as cervical and breast cancer screening.

[23] OECD Health Statistics 2014: How does Hungary compare?

73. Women face barriers in their access to contraception and abortion services. The State does not subsidize any form of contraception.[24] Interlocutors informed the Working Group that emergency contraception was only available upon prescription, contrary to the decision made by the European Commission in January 2015 requiring Member States to allow the sale of the emergency pill over-the-counter, which is essential for ensuring availability, especially for economically disadvantaged women and adolescent girls (A/HRC/32/44). Contraceptives are only covered by health insurance when the woman needs them for medical reasons. The Working Group was informed that, owing to the lack of appropriate access to affordable modern forms of contraception, the number of abortions in Hungary is extremely high: one out of three pregnancies ends in abortion, compared to the European Union average of one out of five.

74. Termination of pregnancy has been legal in Hungary for decades. The Fundamental Law, however, provides for the protection of the life of the foetus from the moment of conception; some stakeholders therefore fear that this provision could threaten women's reproductive rights. The Working Group welcomes the Government's statement in its constructive dialogue with the Committee on the Elimination of Discrimination against Women in 2013 that the new article in the Fundamental Law protecting life from the moment of conception would not be used to restrict women's access to abortion (CEDAW/C/HUN/CO/7-8). Nevertheless, interlocutors informed the Working Group that women who require an abortion are in many cases subjected to two sessions of counselling and a mandatory 3-day waiting period, contrary to WHO recommendations. According to interlocutors, counselling is explicitly designed to dissuade women from obtaining an abortion. According to the Government, counselling also includes help with adequate family planning, including suitable contraceptive methods. The Working Group notes, however, that such counselling is not timely when a woman is seeking an abortion for an existing pregnancy, nor does it provide women with access to affordable modern contraceptives. Medication abortion methods are not generally used by doctors.

75. Under the Act on the Protection of Foetal Life, no physician or other health-care worker may be required against their will to terminate a pregnancy or to participate in one, except if the woman's life is endangered. Health institutions with an obstetrics-gynaecology department are nonetheless required by the Act to ensure that at least one group that performs pregnancy terminations operates in the institution. Despite this legal requirement, an increasing number of hospitals have joined the "abortion-free days" initiative organized by an anti-choice organization. The existing regulation does not ensure oversight or monitoring mechanisms over the practice of conscientious objection, nor does it provide for complaint mechanisms in the event that a woman's right to legal abortion services has been denied. In addition, the current regulation does not impose the most essential duties on objecting providers, such as a duty to refer a woman to a non-objecting health practitioner and to inform her of all existing alternatives.[25] The Working Group reiterates the jurisprudence of human rights treaty bodies: that, where conscientious objection is permitted, States still have an obligation to ensure that women's access to reproductive health services is not limited, and that conscientious objection is a personal, not an institutional, practice (A/HRC/32/44).

76. The Working Group was informed of the over-medicalization of practices related to childbirth, which is not in accordance with WHO indicators or guidelines. The over-medicalization of childbirth practices may carry the risk of obstetrical complications and health problems. In Hungary, 33.4 per cent of all births are delivered by caesarean section,

[24] Universal periodic review stakeholder joint submission 10.

[25] Centre for Reproductive Rights and Patent, information submitted to the Committee on the Elimination of Discrimination against Women, review of Hungary, January 2013.

and 90 per cent of women giving birth by vaginal delivery undergo an episiotomy. The Working Group was informed that the Ministry of Human Capacities is surveying the reasons behind the current figures. Stakeholders reported that independent midwives are still not recognized as a professional group, despite the decree issued in 2011 creating the legal framework for home birth. Most women are excluded from giving birth outside hospitals on the basis of "medical contraindications".[26]

77. Roma women disproportionately suffer from discrimination in their access to health services. They lack adequate access to family planning services, modern methods of contraception and regular gynaecologist consultations. The Working Group received reports that they faced segregation and negligence in many medical facilities. They are, as a result of the high incidence of teenage pregnancy and early marriage, highly vulnerable to increased risk of maternal mortality and obstetric fistula.

78. The national core curriculum introduced in 2012 makes sexuality education in schools mandatory as part of other subjects, such as natural science, biology and ethics, but not as a separate subject. It provides for teaching about contraception as of grades seven, focusing primarily on information about healthy pregnancies and arguments supporting conscious family planning. The curriculum does not specifically refer to the issues of sexually transmitted diseases or unwanted pregnancies, information that is vital for comprehensive sexual health education.[27]

VIII. Violence against women

79. Hungary signed the Istanbul Convention in 2014. Although the Government appointed an interministerial committee to prepare for the ratification process, the task remains pending. The Working Group was informed that the draft bill for ratification was issued for public consultation in February 2017.

80. The ratification of the Convention would have facilitated a systematic approach and a comprehensive legal framework for violence against women. The Working Group welcomes the Government's publicly stated position in its dialogue with the Committee on the elimination of Discrimination against Women and at its universal periodic review that the ratification of the Convention was an important task, and urges it to deal with the matter with the urgency due, three years after the signing of the Convention.

81. Awareness of the issue of domestic violence has increased over recent years. The 2013 amendment to the Criminal Code prohibits domestic violence, including physical, psychological and economic violence. Previously, domestic violence was not considered a distinct criminal offence. The prohibition applies to various forms of violence, including battery, violation of personal freedom or duress and attacks on human dignity when perpetrated by spouses, ex-spouses, family members, cohabitants, ex-cohabitants or guardians or persons living under guardianship. The Working Group was informed that the definition also covered non-marital intimate relationships, including same-sex relationships.

82. Act No. LXXVII of 2009 put in place a rather effective system for the issuance of short-term restraining orders. Some government interlocutors told the Working Group, however, that they regretted that restraining orders issued by the police were only valid for 72 hours and could be extended by a court for a maximum of 60 days.

[26] Universal periodic review stakeholder joint submission 10.

[27] Centre for Reproductive Rights and Patent; information submitted to the Committee on the elimination of Discrimination against Women, review of Hungary, January 2013.

83. Domestic violence remains a serious issue, despite greater awareness and positive legislative measures. According to information provided by the authorities during the visit, some 88 women were killed in the context of domestic violence, accounting for 43 per cent of all murders in 2015. The Group was informed by interlocutors that the application of the law and regulations remained problematic, and that gender-sensitive training for law enforcement actors was inexistent, resulting in inefficient and ineffective response to cases of violence against women.

84. Sexual violence and rape are defined in a separate provision of the Criminal Code. Sexual violence is defined by the forced character of the act or threat against the life or bodily integrity of the victim. It includes cases where a person is exploited or incapable of self-defence, or unable to express her or his will. Sexual coercion was introduced as a new criminal offence, which does not require proof that the perpetrator used violence to force the victim into a sexual act; thus, a sexual act committed with any type of coercion that does not involve force or violence may be considered sexual coercion. The legislation did not include, within the definition of rape, sexual relations without the consent of the victim. According to the Criminology Institute, in the 1990s, 90 per cent of cases of sexual abuse went unreported. More recent official data are not available. According to official data for 2013, Hungary has one of the lowest reporting rates for rape among 33 European countries.[28]

85. The Working Group was informed that attempts were being made to address the tendency by law enforcement actors to blame the victim, as demonstrated when, in a video used by the police to educate girls to protect themselves against sexual predators, the blame was attributed to the victim by stereotyping dress and flirtation as causes for violent attacks. The Working Group draws attention to the fact that non-governmental organizations, despite their limited resources, play an important role in combating violence against women and in providing victims with help, especially by means of helplines.

86. Prostitution has not been prohibited since 1993, although it is punishable as a public administrative offence for disturbing the peace where practiced in prohibited areas or where the person prostituting themselves does not have an up-to-date medical certificate. The Group was disturbed to hear that a significant number of girls had been arrested and hundreds of them fined for prostitution in 2014. When they do not pay the fine, they are detained in correctional facilities.

87. Hungary is essentially a country of origin and transit for human trafficking. A national strategy was adopted for the period 2008-2012, and a new plan of action was accepted by Parliament for the period 2013-2016.Young women and girls living in disadvantaged regions and children living in child-care institutions nonetheless remain highly vulnerable to human trafficking. Roma women and girls account for 40 to 80 per cent of trafficking for sexual exploitation.[29] Interlocutors informed the Working Group that, although Act CXXXV of 2005 on Support for Crime Victims and State Compensation requires services to be made available to victims, including victims of violence and trafficking, no effective tools have been developed to identify trafficking victims, especially at border entry points or in detention centres for migrants, refugees and asylum seekers. Government sources confirmed that no trafficking victims had in fact been identified among asylum seekers, except by the authorities in other countries of origin or destination.

88. Hungary became an entry point in 2015 for refugees and migrants. The Working Group visited the Bicske reception centre for refugees and asylum seekers, and observed

[28] Centre for Reproductive Rights and Patent, information submitted to the Committee on the Elimination of Discrimination against Women, January 2013.

[29] Universal periodic review stakeholder joint submission 6.

separate accommodation for women, with a majority of female social workers and medical officers. Interlocutors informed the Working Group that, while migrant women who succeed in entering the country are, as a rule, in transit for a very short time, they are highly vulnerable in the transit zones at the border, and may experience various forms of violence and live in very precarious conditions, with no social welfare assistance, health care or sanitary facilities. At the universal periodic review of Hungary in May 2016, the Government explained that Hungary had not closed its borders per se; rather, in order to protect the external borders of the Schengen area, it had established transit zones inside which asylum claimants could enter Hungary, provided their claim had been accepted. In March 2017, the Parliament of Hungary approved the automatic detention of all asylum seekers in container camps at the State's southern borders. The Working Group joins the Office of the United Nations High Commissioner for Refugees in expressing its concern that the new law violates the State's obligations under international and European Union laws, and will have a terrible physical and psychological impact on women, children and men who have already greatly suffered.

IX. Conclusions

89. **Hungary has reaffirmed its willingness to cooperate with international human rights mechanisms through its participation in the second cycle of the universal periodic review and its invitations to special procedure mandate holders to visit the country.**

90. **The protection of the family occupies a central place in the social and economic policies of the Government. The Working Group recognizes that the family is the natural and fundamental unit of society and is entitled to protection by society and the State, emphasizing that the respect, protection and fulfilment of the human rights and freedoms of individual members of the family, including women and children, must occupy a front and central place, as an integral aspect of the protection of the family. In its view, a conservative form of family whose protection is guaranteed as essential to national survival should not be put in an uneven balance with women's political, economic and social rights and the empowerment of women. It stresses that the formulation of family should be interpreted as including the diversity of families, recognized under international human rights law, and that it should never be used to undermine women's reproductive rights.**

91. **Women's rights are fundamental human rights that are not subject to other consideration, and should be treated both as a stand-alone and cross-cutting goal in legal, policy and institutional frameworks, as required by the Sustainable Development Goals. A woman's right to equality cannot be seen merely in the light of protection of vulnerable groups alongside children, the elderly and the disabled, as they are an integral part of all such groups. The realization of women's human rights and the empowerment of women in all fields of life must go beyond the family framework and the national priority of demographic growth.**

92. **Women are significantly disempowered in Hungarian political life. Underlying this situation is the pervasive and flagrant stereotyping of women, with repeated statements by some public figures that women are unsuited to political power and the insistence on a woman's role as primarily a wife and a mother. This is aggravated by multiple forms of discrimination and xenophobia regarding Roma women, who are virtually invisible in the political system. Significant measures should be taken to eliminate these forms of stereotyping and discrimination, including by censuring the sexist rhetoric of public figures.**

93. **In the economic sphere, the Government has taken important measures to facilitate the integration of work and the family. However, the economic need for women to work and the idealization of a woman's role as a stay-at-home mother create an irreconcilable dilemma for women. Furthermore, the support measures introduced by the Government in practice largely benefit women who have a middle income or above, and do not solve the dilemma for women who are low earners, such as Roma women. The Government should take measures to counteract the restrictive stereotyping of women resulting from its presentation of its policy, and make sure that it is administered as a family-friendly policy, not confined to mothers alone.**

94. **In all these contexts, the Working Group encourages the Government to give full effect to the constitutional guarantee of equality between women and men and to all aspects of its National Strategy for the Promotion of Gender Equality. The Working Group observed that the Government, in implementing the National Strategy, has to date focused on promoting the objectives of reconciliation of work and family life and on the prevention of domestic violence. It appreciates the Government's policy priority of countering the considerable decline in the birth rate and its efforts to encourage women and men to have more children by, inter alia, introducing measures to improve their work-life balance. It also appreciates the focus on reducing domestic violence. It is however concerned that other goals of the National Strategy have not been adequately addressed, such as increasing the participation of women in political and economic decision-making; eliminating gender stereotypes; achieving equal economic independence for women and men by, inter alia, eliminating the gender pay gap and gender-based poverty; and addressing women's health issues. It stresses that the achievement of all these objectives is necessary to bring about the equality and empowerment of women, which is essential for the economic and social welfare of the State, the community and the family.**

95. **There can be no success in empowering women in Hungary in the political or the economic spheres without addressing the discriminatory stereotyping, the sexist rhetoric against women – including lesbians, and transgender and intersex persons – and the disproportionate burdening of women with responsibility for care work.**

96. **Considering the State's generally high level of human development, the measures taken to tackle discrimination against women in practice have been insufficient. While Hungary ranks 43rd on the Human Development Index,[11] it lags at 101 (out of 144) on the Gender Gap Index.[12] The significant gap between its rating in human development and gender equality calls for stronger and more visible legislative, policy and institutional measures.**

X. Recommendations

A. Legal, policy and institutional frameworks

97. **The Working Group recommends that the Government of Hungary:**

(a) **Give high visibility and dedicated attention to women's rights by constructing a coherent institutional architecture that includes a high-level, well-resourced mechanism whose mandate will be dedicated to the advancement and empowerment of women as a stand-alone goal;**

[11] See http://hdr.undp.org/en/countries/profiles/HUN.

[12] World Economic Forum, The Global Gender Gap Report, 2016.

(b) Develop plans of action for implementing all priorities in the National Strategy with the involvement of a range of stakeholders, including non-governmental women's rights organizations, with a transformative agenda.

B. Political and public life

98. The Working Group recommends that the Government:

(a) Take special measures, as provided for in the Fundamental Law, to increase women's representation in the country's political life and in senior positions in the public administration, including in the foreign service;

(b) Ensure a better gender balance in the process of making new appointments to the Constitutional Court;

(c) Empower the major transformative women's non-governmental human rights organizations to play a vital role by allotting a fair share of the funding for civil society organizations and including them fully in government consultations.

C. Economic and social life

99. The Working Group recommends that the Government:

(a) Take measures to increase the number of women in economic decision-making positions, including by introducing a quota system to increase the number of women on public and private corporate boards, and to provide special financial assistance or government procurement contracts to women-owned businesses to incite women's leadership in business;

(b) Extend and further fund programmes for Roma women's employment to cover a larger number of the population in more empowering and less traditional fields;

(c) Require employers to give equal pay through the use of various means, including by objective job evaluations, with the participation of stakeholders and social partners, and by the desegregation of professions, in accordance with ILO recommendations;

(d) Encourage the sharing of child-care responsibilities by fathers through legal amendments to allow the choice of parents with regard to the sharing of the 24-week maternity leave after a minimum of 14 weeks for the mother, and ensuring equal job protection for fathers who take parental leave, and extend the length of paternity leave;

(e) Provide further incentives to employers to implement flexible work arrangements, including home-based work;

(f) Take measures for child-care support that target parents with smaller families and low-income families, including through subsidies;

(g) Increase the number of nurseries for under 3-year-olds, and ensure that nurseries and kindergartens are, in accordance with its own policy, in practice free for all but high-income parents, irrespective of the number of children;

(h) Improve the remedies for discrimination in employment, for instance by giving the Equal Treatment Authority the power to issue enforcement orders against employers and to award exemplary damages;

(i) **Provide mentoring for women students in the pursuit of doctorate degrees, and promote qualified women to professorships and rectorships;**

(j) **Increase resources for the education of disadvantaged children, including Roma children, to ensure that Roma girls and boys are not being segregated in inferior educational institutions.**

D. Gender stereotypes

100. **The Working Group recommends that the Government:**

(a) **Develop the transformative changes required to eliminate discrimination against women in practice and to empower women by educating children on gender equality and human rights, through the national human rights institution, the courts and the media;**

(b) **Sensitize all actors in society to the multiple roles that women play in both the private and public spheres;**

(c) **Conduct public campaigns and educational programmes to create the enabling conditions for public recognition and acceptance for women, including Roma women in leadership and decision-making positions;**

(d) **Hold public figures accountable for sexist and abusive language and expressions affecting women's dignity and that of lesbian, gay, transex, bisexual and intersex persons by applying fines or the penalty of exclusion from public proceedings, including in Parliament;**

(e) **Remove all gender stereotypes from school textbooks, and introduce effective teaching programmes in schools and in teacher training to eliminate ethnic and gender-based discrimination.**

E. Right to health

101. **The Working Group recommends that the Government:**

(a) **Adopt a holistic approach to women and girl's health that takes into consideration their full lifecycle of interconnected phases, from childhood to old age, and ensure properly differentiated medication and care for them;**

(b) **Ensure access to medical services, without discrimination on the grounds of gender or ethnicity;**

(c) **Remove barriers to sexual and reproductive health services by making available affordable, quality, modern forms of contraception, including emergency contraceptives; eliminating the requirement of a mandatory waiting period and hostile counselling; and regulating conscientious objection to ensure availability of an alternative for the patient, to have access to treatment within the time needed for the procedure;**

(d) **Include contraception of choice, preventive care and treatment for cervical and breast cancer, termination of pregnancies and maternity care in universal health care, or subsidize provision of these treatments and medicines to ensure that they are affordable;**

(e) **Regulate birthing facilities to ensure respect for women's autonomy, including the choice of giving birth at home, provided there are no specific medical contraindications;**

(f) **Address the high rate of caesarean sections by means of research of the reasons thereof;**

(g) **Ensure that sexuality education is age-appropriate, comprehensive and inclusive, on the basis of scientific evidence and human rights, for girls and boys, as part of compulsory school programmes, and pays special attention to gender equality, sexuality, relationships, gender identity, and responsible parenthood and sexual behaviour in order to prevent early pregnancies and sexually transmitted infections.**

F. Violence against women

102. **The Working Group recommends that the Government:**

(a) **Ratify the Istanbul Convention without further delay;**

(b) **Develop a publicly available database on violence against women, containing information on complaints, restraining orders, prosecutions, convictions and sentences, and facilitate reporting by victims of violence;**

(c) **Ensure continuous training of law enforcement forces on human rights, including respect for women's autonomy and the negative impact of gender stereotyping;**

(d) **Cease the use of punitive measures, such as administrative detention and forced medical check-ups, against prostitutes, and ensure their right to have access to sexual health services;**

(e) **Further develop tools for identifying trafficking victims to ensure proper protection;**

(f) **Ensure the protection of the human rights of women and girls who seek to pass the borders of Hungary.**